

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56867 of 2025

Arising Out of PS. Case No.-297 Year-2025 Thana- ISLAMPUR District- Nalanda

1. Md. Amiruhaque @ Md. Amirullah S/o Late Md. Miswaullah Haq @ Md. Misbahul Haque Resident of Village- Bari Paithna, PS- Islampur, District- Nalanda
2. Azam Malik @ Azam Mallick S/o Nanhu Malik Resident of Village- Bari Paithna, PS- Islampur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-08-2025 Heard Mr. Raj Kishore Prasad, learned counsel for
the petitioners and the State.

2. The petitioners are apprehending arrest in connection with Islampur P.S. Case No. 297 of 2025 instituted under Sections 190, 191(2), 191(3), 126(2), 115(2), 109, 117(2), 351(3), 352 of BNS, 2023 lodged on 07.06.2025 by the informant, Md. Shaukat.

3. As per the prosecution story, the informant alleged that due to land dispute, the accused assaulted causing injuries on the head and arm. The allegation of using sword is also there. This led to the FIR.

4. Learned counsel for the petitioners submit that



there is omnibus allegation against all the eight accused persons, no specific allegation against them, the two petitioners namely Md. Amiruhaque @ Md. Amirullah Azam Malik @ Azam Mallick have no criminal antecedent and if granted relief, they shall be diligently appearing in trial.

5. Last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intends to contribute Rs.7,500/- each (totalling Rs. 15,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the concerned Court to be handed over to the informant/injured.

6. Learned APP opposes the prayer submitting that though earlier injury was found to be simple, later, it turned grievous.

7. Considering the submissions of the parties as also the fact that omnibus allegation is there, petitioners have no criminal antecedent, an undertaking has been given that they shall be diligently appearing in trial, in that background, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs.7,500/- each (totalling Rs. 15,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the concerned Court to



be handed over to the informant/injured.

8. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Islampur P.S. Case No. 297 of 2025 to the satisfaction of learned Chief Judicial Magistrate, Biharsharif, Nalanda subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their



attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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