

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60752 of 2025

Arising Out of PS. Case No.-226 Year-2025 Thana- KOCHADHAMAN District- Kishanganj

Naiyar Alam Son of Iqbal Village- Haldikhora, Ward no. 09, Ps-
Kochadhaman, Dist- Kisanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-09-2025 Heard Mr. Md. Helal Ahmad, learned counsel for
the petitioner and Mr. Sanjay Kumar Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kochadhaman P.S. Case No. 226 of 2025, F.I.R. dated 05.06.2025 for the offences punishable under Sections 126(2), 115(2), 329(4), 118(1), 303(2), 351(2), 352, 109(1), 3(5) of the Bhartiya Nyay Sanhita, 2023.

3. As per the First Information Report, the informant alleged that on 04.06.2025 at about 8:30 a.m., when he went at his godown then the petitioner along with other co-accused persons came there and started abusing and assaulted him by means of iron rod causing injury on his left ear. It is further alleged that the accused persons took away Rs.1,00,000 from



the informant and threatened him to shift his godown otherwise he would be killed.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. It appears from the FIR that due to some petty dispute the present occurrence has taken place and there is case and counter case between the parties. Although there is specific allegation against the petitioner that he assaulted informant but the doctor who has initially examined the informant opined that no injury was found on the injured person but the medical of P.S.C. Kochadhaman of 14.07.2025 given injury report in which informant allegedly sustain 1" x ½" x ¼" behind left ear but the doctor did not opined that the injury sustained by the informant is simple or grievous in nature. Even the doctor on 25.06.2025 has reported that the patient has history of discharge of both ears since long time. The doctor in injury report dated 14.07.2025 has mentioned the alleged history of ailments of informant as injury behind ear.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and there is



case and counter case and the nature of injury does not support the allegation alleged in the FIR against the petitioner, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-1st Class, Kishanganj in connection with Kochadhaman P.S. Case No. 226 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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