

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56468 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- CHHATAPUR District- Supaul

Moti-Ur-Rahman @ Md. Moti Rahman @ Moti Ur Rahman S/o- Late Masim
Kha @ Late Mosim Khan Resident of village - Ward No. 01, Madhopur,
Pariahi, Police Station - Chhatapur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the State : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-09-2025 Heard Mr. Arun, learned counsel for the petitioner
and learned APP representing the State.

2. The petitioner is apprehending his arrest in connection with Chhatapur P.S. Case No. 45 of 2025 registered for the offence under Sections 126(2), 115(2), 118(1), 118(2), 109(1), 74, 303(2), 352, 351(2) and 3(5) of the B.N.S., lodged on 13.02.2025 by the informant, Md. Samim.

3. As per the prosecution story, the informant alleged that on 11.02.2025, while he was doing some earth work, the accused persons started abusing, upon protest, on the order of Soti Rahman, Safiur Rahman gave 'dabiya' blow on his hand causing injury. Thereafter, the petitioner assaulted with the 'dabiya' to the nephew of the informant causing injury on the



head. Allegation is that his brother Md. Siraj was assaulted by Md. Jahangir, Md. Ibrahim, Md. Alam, Md. Shah Alam, Md. Sahid, Md. Hamid, Md. Ajam, Md Shadab, Md. Ebran and Md. Soti Rahman. Further allegation is of taking away Rs.5,000/- and attributed to Md. Moti-Ur-Rahman (petitioner herein). This led to the F.I.R.

4. Learned counsel for the petitioner submits that in a zeal to implicate, each and every family members have been named, allegation of assault is on him, injury has been found to be simple in nature and if granted relief, he shall be diligently appearing in trial though he concede that the petitioner has criminal antecedent. Last submission is that without accepting the allegation or outcome of the petition, the petitioner intends to pay Rs.5,000/- to the informant towards treatment by Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that though the injury has been found to be simple in nature, allegation of assault is on this petitioner and has criminal antecedent.

6. Considering the submissions of the parties as also the fact that though injury is there, it has been found to be



simple in nature, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.5,000/- to the informant through Demand Draft issued by the local branch of the State Bank of India to be submitted at the time of execution of the bail bond and the same shall be handed over as and when the informant comes to the Court after checking his/her credentials.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st, Supaul, in connection with Chhatapur P.S. Case No. 45 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

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

(ii) the petitioner 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 his/her



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(iv) the petitioner 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;

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

(Rajiv Roy, J)

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