

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60409 of 2025

Arising Out of PS. Case No.-91 Year-2024 Thana- Manuapul District- West Champaran

1. Arshad Alam @ Arshad son of Late Istekhar Alam @ Gaffar Alam
 2. Ikbal Alam @ Ekbal Alam Son of Late Sheikh Mustafa
 3. Taarik Alam @ Taarikh Alam son of Irshad Alam
- All are R/o VILLAGE-SHEIKH DHURWA, POLICE STATION-
MANUAPUL, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-10-2025 Heard Mr.Sarvesh Kashyap, learned counsel for the
petitioners and Mr.Abhay Kumar, learned Additional Public
Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Manuapul P.S.Case No.91 of 2024, FIR dated
25.07.2024 registered for the offences punishable under
Sections 126,115,118,76,109,3(5) of B.N.S.

3. The allegation against petitioner No.1, namely,
Arshad Alam is that he has ordered the Irshad Alam to assault
the informant and moreover no allegation of assault of assault
has been attributed against petitioner No.1. Allegation against
petitioner Nos.2 and 3 is that they have snatched Rs.5000/- from



the shop of the informant.

4. Learned counsel for the petitioners submits that petitioner No.1 carries three more cases other than the present one and he is on bail in the pending matters, petitioner Nos.2 and 3 have clean antecedent and they have falsely been implicated in the present case. It appears from the FIR that due to admitted land dispute the present occurrence had taken place. There is case and counter case. Although the petitioners are named in the FIR but it appears from the FIR that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against the petitioners. Specific allegation of assault is attributed against co-accused person, namely, Irshad Alam @ Sheikh Irshad that he has assaulted to the informant by means of Chopper and he has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 15.02.2025 passed in Cr. Misc. No.5956 of 2025.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and there is no specific allegation of any assault or overt-act attributed against



the petitioners in the FIR, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Manuapul P.S. Case No.91 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482 (2) of BNSS, 2023 and with other following conditions:-

(I) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds 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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