

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59974 of 2025

Arising Out of PS. Case No.-94 Year-2025 Thana- KAKO District- Jehanabad

1. Naushad Alam Son of Haidar Ali Resident of village- Shah toli, Ps- Kako, Dist- Jehanabad
2. Shamhad Alam son of Haidar Ali Resident of village- Shah toli, Ps- Kako, Dist- Jehanabad
3. Haidar Ali son of Late shamim Ahmad Resident of village- Shah toli, Ps- Kako, Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar Sinha
For the Opposite Party/s :	Mr. Umesh Lal Verma
	Mr. Zainul Abedin
	Mr. Sanobar Shahnaz

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 11-09-2025 1. Heard learned counsel for the petitioners, learned APP for the State and the learned counsel appearing on behalf of the informant.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 191(2), 190, 126(2), 115(2), 109, 352, 351(2), 3(5) of the B.N.S.
3. The learned counsel for the petitioners submits that the petitioner nos.1 and 2 have antecedent of two cases and petitioner no.3 is a person with clean antecedent. It is next submitted and the informant alleges that nine named accused



persons including the petitioners, who are neighbours, started abusing him on 07.04.2025 when he was on his way to the mosque. Further, the accused pelted stones causing injury on head and leg, on alarm his family members came who also suffered injury on account of assault by brick and lathi.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that petitioners and the informant are neighbours. It is next submitted that petitioner no.3 is a blind man as would manifest from Annexure-4 to the anticipatory bail application which is a prescription of District Hospital Jehanabad. It is also submitted that though it is alleged that petitioners were pelting bricks, stones etc. causing injury to the informant and his family members, but then, the allegation of assault is not specific. It is also submitted that all injuries suffered by the injured have been opined to be simple in nature as would manifest from Annexure-5 to the anticipatory bail application.

5. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application. The learned counsel appearing on behalf of the



informant submits that petitioner no.1 has not approached this Court with clean hands. It is next submitted that at Para-3, it has been pleaded that petitioner nos.1 and 2 have antecedent of two cases, but then, petitioner no.1 was also implicated in Kako P. S. Case No. 109 of 2013.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on **provisional anticipatory bail** on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Jehanabad in connection with Kako P. S. Case No.94 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner nos.1 and 2 have antecedent of more than two cases and petitioner no.3 has antecedent of even one case, in that event, the present provisional anticipatory bail



order shall not be confirmed, but if on verification, it is found that petitioner nos.1 and 2 have antecedent of only two cases and petitioner no.3 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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