

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60756 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- MALI District- Aurangabad

1. Parvesh Singh S/o Jagdish Singh R/o vill - Dhibra Par Tola Itwa, P.s. - Mali, Distt.- Aurangabad, Bihar
2. Bidesh Singh S/o Late Harakh Singh R/o vill - Dhibra Par Tola Itwa, P.s. - Mali, Distt.- Aurangabad, Bihar
3. Naresh Singh S/o Late Ram Bhajan Singh R/o vill - Dhibra Par Tola Itwa, P.s. - Mali, Distt.- Aurangabad, Bihar
4. Mukhiya @ Sujit Kumar S/o Parvesh Singh R/o vill - Dhibra Par Tola Itwa, P.s. - Mali, Distt.- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-09-2025 Heard Mr. Shailesh Kumar Singh, learned counsel
for the petitioners and Mr. Anil Kumar, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mali P.S. Case No. 39 of 2025, F.I.R. dated 11.02.2025 for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 329(3), 109, 303(2), 352 of Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, the informant alleged that the petitioners along with other accused persons



arrived at his PACS godown where boring work on going on and objected from doing so. After sometime, one of the accused persons assaulted one Anshul Raj on his head and other accused person started firing.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case due to some petty dispute. Although the petitioners are named in the FIR but there is no specific allegation of assault or overt act against the petitioners rather the allegation levelled against all the accused persons including the petitioners are general and omnibus and specific allegation of assault is against co-accused person, namely, Sarju Singh and Krishna Singh. He further submits that the present occurrence took place on 05.02.2025 but the FIR was lodged on 11.02.2025 i.e. after delay of six days without giving any reason for delay.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner nos. 1 and 2 carry one criminal antecedent but fairly submits on the basis of paragraph-3 of the bail application that the petitioner no.2 is on bail in the said matter.

6. Considering the aforesaid facts and circumstances and the fact that there is no specific allegation of assault or overt



act against the petitioners, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Mali P.S. Case No. 39 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. 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 bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, 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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