

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58535 of 2025

Arising Out of PS. Case No.-442 Year-2023 Thana- WARISNAGAR District- Samastipur

1. Md. Saiyab S/O Late Md. Haneef R/O Village - Nayatol Gohi, ward no. 3, P.S.- Warisnagar, Dist. - Samastipur
2. Md. Ed. Mohammad @ Eid Mohammad S/O Md. Saiyab @ Niyab @ Niyaj R/O Village - Nayatol Gohi, ward no. 3, P.S.- Warisnagar, Dist. - Samastipur
3. Md. Neyaj @ Neyaz @ Md. Niyab @ Niyaj S/O Md. Saiyab R/O Village - Nayatol Gohi, ward no. 3, P.S.- Warisnagar, Dist. - Samastipur
4. Md. Abrar S/O Md. Saiyab R/O Village - Nayatol Gohi, ward no. 3, P.S.- Warisnagar, Dist. - Samastipur
5. Md. Yejaz @ Ezaj S/O Md. Saiyab R/O Village - Nayatol Gohi, ward no. 3, P.S.- Warisnagar, Dist. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 29-08-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners apprehend their arrest in connection with Warisnagar P.S. Case No. 442 of 2023 registered for the offences under Sections 147, 148, 149, 341, 323, 354, 307, 447, 379, 504 and 506 of the I.P.C.

3. As per the prosecution case, the informant has alleged that the FIR named accused persons including the petitioners came variously armed and barged into the house of the informant and when they were objected to by the



informant's mother, they assaulted her and even outraged her modesty. It is further alleged that petitioner no. 1 directed other persons to attack the informant and others and thereafter all the accused persons assaulted the informant and others.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in the instant case. Further submission is that from perusal of the FIR, it is evident that there is general and omnibus allegations levelled against the petitioners. It is next submitted that the informant-side and petitioners are agnates and the injury sustained by the informant is found to be simple in nature. Learned counsel further submits that there is a long-standing dispute between the parties and earlier also the petitioners' side had lodged a case in the year 2023 against the informant. Petitioners have no criminal antecedent.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioners above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail



bonds of Rs.10,000/-(ten thousand)each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Warisnagar P.S. Case No. 442 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of their bail bond.

(v) The learned 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.

7. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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