

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60617 of 2025

Arising Out of PS. Case No.-264 Year-2025 Thana- KISHANGANJ District- Kishanganj

Matuur Rahman @ Matibur Rahman Son of Late Sayeed Ali Resident of Kamarmani, Ward no. 09, Gachhpara, P.S. - Kishanganj, District - Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Habibur Rehman Son of Abedur Rehman R/o Village - Kamarmani, Ward no. - 09, Gachpara, P.S. - Kishanganj, Dist.- Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-09-2025 Heard learned counsel for the petitioner and learned APP for the State.

02. In the present case, the petitioner seeks bail in connection with Kishanganj P.S. Case No. 264 of 2025 registered for the alleged offences under Sections 126(2), 115(2), 117(2), 351(2), 352, 303(2), 109, 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, petitioner and other co-accused persons who were variously armed, assaulted the brother of the informant and co-accused Tajebur Rehman with a rod caused injury on his head. When the informant went for rescue of his brother, he was assaulted by co-accused Kurban



Ali with a bamboo on his back. The petitioner took out Rs. 7,500/- from the pocket of the informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The FIR has been lodged after inordinate delay without any explanation. There is no allegation against the petitioner for assaulting either the brother of the informant or the informant himself and the allegation of assault against the petitioner is general and omnibus along with other co-accused persons, though there is specific allegation against two other co-accused persons. The allegation of snatching Rs. 7,500/- against the petitioner is merely a superaddition. Learned counsel further submits that all the offences mentioned in the FIR are bailable in nature except the offences under Sections 303(2) of BNS, but the same is only ornamental. The petitioner is having clean antecedent. The petitioner is in custody since 27.06.2025.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation and also considering the period of



custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj/court concerned in connection with Kishanganj P.S. Case No. 264 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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