

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68042 of 2025

Arising Out of PS. Case No.-169 Year-2017 Thana- KUNDWACHAINPUR District- East
Champaran

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Saidul Haque @ Saidul Haque Rahman @ Md. Sayeedul Haque S/O Izhar
Haque R/o Village- Guabari, P.S.- Kundwa Chainpur, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Asif Kalim, Advocate.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 19-09-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
307, 354, 504 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that at
Para-3 of the anticipatory bail application, it has been
specifically pleaded that petitioner has antecedent of five cases
though in the order impugned, it has been recorded that
petitioner has antecedent of six cases but then it is asserted and
submitted that it appears that the said fact has been inadvertently
recorded. It is also submitted that all cases against the petitioner
is of the year 2012 and 2013. It is next submitted that informant



alleges that on 16.11.2017 at around 6.30 A.M. when she had gone to attend the call of nature when Saidul Haque, Faizul Hasan (Petitioner) and Majibur Rahman caught her and started dragging her, on alarm, the accused fled, thereafter the informant came and disclosed the occurrence to her family members, when they went to the house of petitioner for making queries when the petitioner verbally abused them, it is next alleged that all the co-accused persons including the petitioner after planning came to her door and started abusing and petitioner gave order to kill saying that the informant is trying to malign his image, on protest, petitioner caught her and dashed her to the ground and thereafter Faizul Haque tore her clothes and Majibur Rahman assaulted her with *dabiya* causing injury over head and neck and Zakira Khatoon snatched silver chain from her neck.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that police after investigation submitted charge sheet dated 10.01.2018 under bailable sections but then the learned trial court differing with the police report, also took cognizance under section 307 of the Indian Penal Code apart from other bailable sections of the Indian Penal



Code by an order dated 22.09.2022. It is submitted that petitioner was completely unaware that cognizance has been taken under section 307 of the Indian Penal Code only and he came to know about the same when he received bailable warrants. It is next submitted that when one investigating agency after threadbare investigation came to a considered conclusion that the offences for which the instant FIR was instituted did not attract any offence under non-bailable section whether it would be prudent for the court to send the petitioner to jail based on an order of cognizance which came to be taken based on the same police report under non-bailable section also. It is next submitted that petitioner will not abscond rather will cooperate in the trial to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case



is pending/successor court in connection with Tr. No.665/2025, arising out of Kundwa Chainpur P.S. Case No.169/2017, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that if the learned trial court comes to a conclusion that petitioner after his release is trying to delay the framing of charge or after framing of charge is delaying the trial, in both the conditions, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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