

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69501 of 2025

Arising Out of PS. Case No.-95 Year-2025 Thana- AWTARNAGAR District- Saran

1. Aasif @ Saral S/o Takdir Miyan R/o village - Mahuani , P.s- Awtarnagar ,District -Saran
2. Babujan Miyan S/o Kalamuddin R/o village - Mahuani , P.s- Awtarnagar ,District -Saran
3. Amir Hussain @ Amir S/o Aasif @ Saral R/o village - Mahuani , P.s- Awtarnagar ,District -Saran
4. Jamil @ Jamir S/o Aasif @ Saral R/o village - Mahuani , P.s- Awtarnagar ,District -Saran
5. Irfan Hussain S/o Imteyaz Hussain R/o village - Mahuani , P.s- Awtarnagar ,District -Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-09-2025 Heard Mr. Ravi Prakash, learned counsel for the

petitioners as well as Mr. Satyendra Prasad, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Awtarnagar P.S. Case No. 95 of 2025, F.I.R. dated 08.04.2025 for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 352, 351(2), 351(3)/ 3(5) of the BNS.

3. According to prosecution case, the petitioner along



with other co-accused person is said to have assaulted the informant and his son by bricks and stones as a result of which they got badly injured.

4. Learned counsel for the petitioners submits that petitioner nos. 1 to 4 have clean antecedent and petitioner no. 5 has one criminal antecedent other than the present one but he is on bail in the pending matter. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and from a bare perusal of the F.I.R, it appears that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against them in the FIR. He further submits that there is case and counter case between the parties and the occurrence has taken place on 07.04.2025 but the present FIR has been instituted on 08.04.2025 and the present occurrence has taken place due to admitted land dispute between the parties. It is further submitted that although, the informant and his son have received the injuries but injury report suggests that the injuries are simple in nature caused by hard and blunt substance.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.



6. Considering the aforesaid facts and circumstances, there is admitted land dispute between the parties, there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against against them in the FIR and injuries inflicted upon injured persons are simple in nature caused by hard and blunt substance, let the petitioners, above named, in the event of their 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 Judicial Magistrate 1st Class, Saran at Chapra in connection with Awtarnagar P.S. Case No. 95 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 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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