

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77359 of 2024

Arising Out of PS. Case No.-290 Year-2024 Thana- BAKHARI District- Begusarai

1. Md. Saddam S/o Md. Jahangir

2. Md. Jahangir S/o Late Md. Ishahak

Both are Resident of village - Bakhari Gadhi Tola, Ward No.15, P.S. - Bakhri, District - Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar

2. Md. Anis S/O - Md. Idrish Mashum R/V Bakhari, Gadhi Tola Ward no. 15, P.S.- Bakhari Dist- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajnish Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

416-04-2025

Despite of enter appearance through Vakalatnama on behalf of opposite party No.2, no one appears on behalf of opposite party No.2.

2. Heard Mr.Rajnish Kumar, learned counsel for the petitioners and Mr.Sanjay Kumar Pandey, learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Bakhari P.S. Case No.290 of 2024, dated 20.07.2024 registered for the offences punishable under Sections 352,351(1),126(2),115(2),109/3(5) of Bhartiya Nayay Sanhita, 2023.



4. Allegation against the petitioners is that they alongwith all the accused persons assaulted the Nati of the informant by Danda resulting he became unconscious. The accused persons assaulted the Nati of the informant on his head resulting blood started oozing out.

5. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. It appears from the FIR itself that the informant is not the eye witness of the alleged occurrence and apart from that, from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners.

6. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts, petitioners have clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and informant is not the eye witness of the



alleged occurrence, 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 learned Chief Judicial Magistrate, Begusarai in connection with Bakhari P.S. Case No.290 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of 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 bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 antecedents, 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)

Nitesh/-

U		T	
---	--	---	--

