

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75473 of 2024

Arising Out of PS. Case No.-168 Year-2021 Thana- NAUTAN District- West Champaran

1. Afroz Mian @ Afroz Alam Son of Amanat Mian Resident of Village - South Telhua, Tola Khutahi, P.S. - Nautan, District - West Champaran
2. Firoz Mian Son of Amanat Mian Resident of Village - South Telhua, Tola Khutahi, P.S. - Nautan, District - West Champaran
3. Sabre Alam Mian @ Sabre Alam Son of Amanat Mian Resident of Village - South Telhua, Tola Khutahi, P.S. - Nautan, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
For the State	:	Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-01-2025 Heard Mr. Umesh Chandra Verma, learned counsel

for the petitioners and Md. Fahimuddin, learned Additional

Public Prosecutor for the State.

2. After some arguments, learned counsel for the
petitioners seeks permission to withdraw this application with
respect to petitioner no.2, namely, Firoz Mian.

3. Permission is accorded.

4. Accordingly, the present anticipatory bail is
dismissed as withdrawn with respect to petitioner no.2, namely,
Firoz Mian.

5. The petitioners (except petitioner no.2) are



apprehending their arrest in connection with Nautan P.S. Case No. 168 of 2021, F.I.R. dated 05.05.2021 for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 304, 504 and 506 of the Indian Penal Code.

6. According to prosecution case, petitioners are said to have assaulted to the informant and his family members.

7. Learned counsel for the petitioners (except petitioner no.2) submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the present case is counter blast of Nautan P.S. Case No. 157 of 2021 filed by Saleha Khatoon on the side of the petitioners (except petitioner no.2) against the informant and his family members. He further submits that from a bare perusal of the FIR it appears that both the parties are agnates and due to some dispute the present occurrence has taken place. He further submits that although petitioners (except petitioner no.2) are named in the FIR but from a bare perusal of the FIR itself it appears that there is no specific allegation of any assault or overt act is attributed against the petitioners (except petitioner no.2) rather there is specific allegation against the co-accused, namely, Amanat Mian and Firoz Mian. He further submits that although the petitioners (except petitioner no.2) have assaulted



to the informant but injury report of the informant suggests that the injury is simple in nature.

8. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

9. Considering the aforesaid facts that the petitioners (except petitioner no.2) have clean antecedent, there is case and counter case between the parties and injury inflicted upon the informant is found simple in nature, let the petitioners (except petitioner no.2), above named, in the event of 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Nautan P.S. Case No. 168 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioners (except petitioner no.2) 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 his absence on two consecutive



dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners (except petitioner no.2) 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 (except petitioner no.2) and in case at any stage it is found that the petitioners (except petitioner no.2) have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners (except petitioner no.2). 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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