

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78241 of 2025

Arising Out of PS. Case No.-47 Year-2025 Thana- NOWKOTHI GARHPURA District-
Begusarai

Chhotu Kumar S/o Maheshwar Paswan R/o Village- Chakka, Chakka
(Chhatauna) P.S- Nawkothi (Nowkothi) Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 03-12-2025

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Nawkothi (Nowkothi) PS Case No. 47 of 2025 for the offence punishable under Sections 109(2), 117(2), 303(2) 352, 351(2) of the BNS, 2023 on 11.03.2025 by the informant, Mahesh Mahto.

3. The prosecution story, in brief, is that the informant's son, Uday Kumar has allegedly been assaulted by the petitioner causing severe injuries on his head. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that the petitioner has falsely been implicated in this case due to oblique motive. It has next been submitted that the informant is not the eyewitness of the incident in question for which the First



Information Report is registered and there is allegation of repeated blows while the injury report does not support the prosecution case. It has next been submitted that the petitioner has got one criminal antecedent in which he is on bail. It is further submitted that the petitioner undertakes to abide by the terms and condition as imposed by this Court, in case, the privilege of anticipatory bail is granted to him and he further undertakes not to commit any such offence of the present kind in which the petitioner has been implicated or would threaten/tamper the witnesses of this case in any manner. In case of such allegation being levelled against the petitioner and on verification of the said allegation, if any substance of truth is found, then the State will be at liberty to seek the cancellation of anticipatory bail of the petitioner.

5. Learned APP vehemently opposes the prayer for anticipatory bail of the petitioner.

6. Considering the nature of allegations and the undertakings given by the petitioner, this Court is inclined to extend the petitioner the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of their arrest or surrender before the subordinate court within a period of six weeks from the receipt of this order, on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with aforesaid P.S. Case to the satisfaction of Miss Kanchani Rani, learned Judicial Magistrate 1st Class, Begusarai/transferee court, subject to the conditions as laid down under Section 482(2) of the BNSS as also subject to the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Ajit Kumar, J)

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