

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79509 of 2025

Arising Out of PS. Case No.-343 Year-2025 Thana- SHERGHATI District- Gaya

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1. Zubair Khan Son of Bigu Khan R/o Village - Bhaluahi, P.S. - Sherghati, Dist. - Gaya.
 2. Khusbair Khan D/o Zubair Khan R/o Village - Bhaluahi, P.S. - Sherghati, Dist. - Gaya.
 3. Akhtari Bibi W/o Zubair Khan R/o Village - Bhaluahi, P.S. - Sherghati, Dist. - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Javed Jafar Khan, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-12-2025 Heard Md. Javed Jafar Khan, learned counsel for the

petitioners and Mr. Ashok Kumar Singh, learned APP for the

State.

2. Learned counsel for the petitioners submits that during pendency of the present bail application, the petitioner no. 2, namely, Khusbair Khan has been arrested. So the present bail application with respected to petitioner no. 2 has become infructuous. Hence, he seeks permission to withdraw the application with respected to petitioner no. 2.

3. Permission is granted.

4. Accordingly, the present application stands



dismissed as withdrawn as having become infructuous with respect to petitioner no. 2.

5. The petitioners (except petitioner no. 2) are apprehending their arrest in connection with Sherghati P.S. Case No. 343 of 2025, F.I.R. dated 31.07.2025 for the offences punishable under Sections 126(2), 115(2), 109, 351(2), 352 and 3(5) of the BNS, 2023.

6. According to prosecution case, all the accused persons including these petitioners under a conspiracy assaulted the informant's husband with an intention to kill him.

7. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. Although the petitioners are named in the F.I.R but from perusal of the F.I.R it appears that there is no specific allegation of assault or overt act attributed against these petitioners rather there is general and omnibus allegation against them.

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

9. Considering the aforesaid facts and circumstances



that the petitioners have clean antecedent and there is no specific allegation of assault or overt act against these petitioners, let the petitioner nos. 1 & 3, 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 A.C.J.M.-I, Sherghati, Gaya in connection with Sherghati P.S. Case No. 343 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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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