

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78219 of 2025

Arising Out of PS. Case No.-128 Year-2025 Thana- JALALPUR District- Saran

1. Md. Akhtar Ali @ Md. Akhtar S/o- Late Tapi Miyan R/v- Rudalpur Ps- Jalalpur Dist- Saran
2. Monu Khan S/o- Naushad Miyan R/v- Rudalpur Ps- Jalalpur Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 03-12-2025 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Jalalpur P.S. Case No.128 of 2025, F.I.R dated 19.06.2025 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 352, 352(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, the informant, Mohammad Kalimullah, gave his statement at the Jalalpur Primary Health Centre on 19.06.2025 regarding an incident that occurred the same evening. He alleged that the named accused persons, along with 4–5 unknown individuals, intercepted him



near Rudalpur Anganwadi while he was returning home. Monu Mian and Akhtar Mian allegedly attacked him with a knife and a dab intending to kill him, but the blows landed on his left hand and back. The remaining assailants beat him with lathis and dandas. Villagers intervened and saved him. During the assault, the accused also snatched Rs.1,200 from his pocket. The injured informant was then taken to the Primary Health Centre for treatment. Based on his statement, Jalalpur P.S. Case No. 128/2025 was registered under the relevant sections of the BNS.

4. Learned counsel for the petitioners submits that from the F.I.R., it does not disclose the reason for the occurrence of the alleged incident, nor does it explain how the petitioners are said to have inflicted injuries on the informant, consequent to which the informant is said to have sustained those injuries. It has next been submitted that the as per the allegations, including other 4-5 persons, are said to have joined together for the said incident pursuant to which, the injuries are said to have been sustained by the informant and there is nothing specific to indicate that who has caused such injuries. Learned counsel for the petitioners have next submitted that the injuries are simple in nature and the petitioners have clean antecedent and undertakes to abide by all the terms and conditions on having granted the



privilege of anticipatory bail.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances that the petitioners are innocent, nothing specific is alleged against these petitioners and have falsely been implicated in the present case and the injury inflicted upon the informant is simple in nature. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

7. 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) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-First Class, Chapra, District Saran, in connection with Jalalpur P.S. Case No.128 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

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



(ii) the petitioner(s) 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 his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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