

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.167 of 2025

Arising Out of PS. Case No.-334 Year-2024 Thana- BAHERA District- Darbhanga

Md. Danish Khan @ Sanu S/o Md. Shahabuddin @ Md. Sahabuddin R/o
Village- Ashapur, P.S.- Bahera, District- Darbhanga, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shahbaj Alam

For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
26.10.2024, in connection with Bahera P.S. Case No. 334 of
2024, FIR dated 25.08.2024, registered for the offences
punishable under Sections 126(2), 115(2), 118(1), 352, 351(2),
117(2), 109, 303(2), 74, 191(2) of the B.N.S., 2023.

3. According to the prosecution case, the co-accused
persons are alleged to have assaulted the informant and
petitioner is said to have taken Rs. 26,000/- from the pocket of
the informant.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that from perusal of the F.I.R., it appears that there is no specific allegation of assault or overt act attributed against the petitioner rather the allegation levelled against the petitioner is that he has taken Rs. 26,000/- (Rupees Twenty Six Thousand) from the pocket of the informant and there is case and counter case between the parties. It appears from the F.I.R. itself that there is admitted land dispute going on between the parties and one Title Suit No. 05/1997 is pending before the Sub-Judge, 1, Benipur, Darbhanga between the family members of the petitioner and family members of the informant and the police had submitted charge-sheet against the petitioner and the petitioner is in custody since 26.10.2024.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R. apart from that petitioner has taken Rs. 26,000/- from the pocket of the informant and the petitioner bears two criminal antecedents in which in one case he is on bail.

6. Considering the aforesaid facts and circumstances



of the case and also the fact that there is no specific allegation of assault is against this petitioner, let the petitioner, above- named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Bahera, Darbhanga, Bihar in connection with Bahera P.S. Case No. 334 of 2024, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner 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 learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. 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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