

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4372 of 2026

Arising Out of PS. Case No.-170 Year-2025 Thana- SARSI District- Purnia

1. Md. Fahad Rahmani Son of Awesh Rahmani @ Awesh Alam R/o Village - Akhtiyarpur, P.S. - Sarsi, Dist. - Purnea.
2. Awesh Rahmani @ Awesh Alam Son of Late Haji Badruddin R/o Village - Akhtiyarpur, P.S. - Sarsi, Dist. - Purnea.
3. Asad Alam @ Asad Rahmani Son of Awesh Rahmani @ Awesh Alam R/o Village - Akhtiyarpur, P.S. - Sarsi, Dist. - Purnea.
4. Rijwan Alam Son of Late Md. Auas @ Rauf Alam R/o Village - Akhtiyarpur, P.S. - Sarsi, Dist. - Purnea.
5. Nishar Alam Son of Juber Alam R/o Village - Akhtiyarpur, P.S. - Sarsi, Dist. - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Sharma, Advocate
For the State	:	Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-02-2026 Heard Mr. Rakesh Kumar Sharma, learned counsel

for the petitioners and Mr. Pawan Kumar Chaurasia, learned

APP for the State.

2. The petitioners are apprehending their arrest in connection with Sarsi P.S. Case No. 170 of 2025, F.I.R. dated 30.08.2025 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 117(2), 118(2), 109(1), 79, 352, 351(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act, 1959.



3. Allegation against the petitioners is that they along with other co-accused persons assaulted the informant and his family members with *lathi and iron rod* due to which they sustained injuries.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely 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. There is case and counter case between the parties. It appears from the F.I.R. that due to some petty dispute the present occurrence had taken place. Although the petitioners are named in the F.I.R. but there is specific allegation of assault upon the informant and his family members is against petitioner no.1, namely, Md. Fahad Rahmani and petitioner no. 2, namely, Awesh Rahmani @ Awesh Alam. Although they have received injuries but the injury report of the informant namely Imtiyaz Alam suggests that the injury is simple in nature and as per injury report of Md. Arif is concerned, the doctor has found injury is grievous in nature due to fracture in the middle finger which is not on the vital part of the body.

5. Learned APP for the State has opposed the prayer



for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the fact that the petitioners having clean antecedents and there is no specific allegation of any assault or overt act attributed against the petitioner nos. 3 to 5 and the injury inflicted upon the injured persons are simple in nature although one injury is grievous in nature but the same is not on the vital part of the body, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Sarsi P.S. Case No. 170 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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 bonds shall be cancelled by the



Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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)

Ibrar//-

U		T	
---	--	---	--

