

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4166 of 2026

Arising Out of PS. Case No.-52 Year-2025 Thana- Bargaon District- Darbhanga

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Akhtar Husain Manjur Alam Resident of Village - Bauram, P.S. - Bargaon,
District – Darbhanga. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-02-2026 Heard Mr. Subhash Kumar Jha, learned counsel for the

petitioner and Mr. Ram Priya Sharan Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection
with Bargaon P.S. Case No. 52 of 2025, F.I.R. dated 06.06.2024 for
the offences punishable under Sections 126(2), 115(2), 118(1), 109,
352, 3(5) of the BNS, 2023.

3. As per the prosecution case, the informant alleged that
the petitioner along with other co-accused persons assaulted the
him by means of iron rod, sticks etc and when his father came to
rescue him, one of the accused persons assaulted his father due to
which his father received injury on head. Thereafter, the informant
and his father were referred to DMCH, Darbhanga for better
treatment.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been implicated



in the present case. Although the petitioner is named in the FIR but from bare perusal of FIR it appears there is no specific allegation of assault attributed against him rather specific allegation of assault is attributed against co-accused persons namely, Firoz Alam and Tanjir Alam, that they assaulted the informant and his father by means of hard and blunt substance and other co-accused persons, namely, Md. Shamsuzzoha @ Samsuj and Md. Tausif have been granted the privilege of anticipatory bail by the co-ordinate Bench of this Court vide order dated 23.12.2025 in Cr. Misc. No. 84809 of 2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and he is not named in the FIR and there is no specific allegation of assault attributed against him and similarly situated co-accused persons have been granted the privilege of anticipatory bail by the co-ordinate Bench of this Court, let the petitioner, above named, in the event of 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, 1st Class, Biraul, Darbhanga in connection with



Bargaon P.S. Case No. 52 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. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 court below 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 court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond 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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