

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30832 of 2026

Arising Out of PS. Case No.-264 Year-2025 Thana- BANIAPUR District- Saran

Aliyas Khan S/o Late Hashim Khan Resident of Village - Dargahi Tola, P.S. -
Baniyapur, Dist.-Saran. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mili Kumari, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-07-2026 Heard Ms. Mili Kumari, learned counsel for the

petitioner and Mr. Amitesh Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Baniyapur P.S. Case No. 264 of 2025, F.I.R. dated 14.06.2025 for the offences punishable under Sections 191(2), 191(3), 190, 127(1), 115(2), 118(1), 117(2), 109, 103(1), 76, 351(2), 352 and 3(5) of the BNS, 2023.

3. According to prosecution case, all the accused persons including this petitioner armed with weapons brutally assaulted the informant and his family members due to some previous dispute.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. It appears from the FIR that the petitioner has shown to be the member of mob and there is no



specific allegation against the petitioner. In fact, the specific allegation of assault is attributed against the co-accused Shoaib Khan, Asad Ekbal, Shahnaz Khan, Irafel Khan and Jugnoo Khatoon and at best the petitioner is member of the mob. She further submits that the similarly situated co-accused, namely, Anamul Haque @ Enamul Haque has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 15.01.2026 passed in Cr. Misc. No. 88056 of 2025 and another co-accused, namely, Chand Khan @ Abdul Mannan has also been granted anticipatory bail by this Court vide order dated 12.01.2026 passed in Cr. Misc. No. 89162 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 that the petitioner has clean antecedent, there is no specific allegation against the petitioner and similarly situated co-accused persons have been granted anticipatory bail by this Court and by different Co-ordinate Bench of this Court, let the petitioner, above named, in the event of his 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, Saran, Chapra in connection with Baniyapur P.S. Case No. 264 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. 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 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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