

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37572 of 2026

Arising Out of PS. Case No.-388 Year-2016 Thana- PHULWARISHARIF District- Patna

Md. Azhar @ Rocky @ Md. Azharuddin Ali S/o Haider Sipahi R/o Village-
Madina Gali, Pathan Toli, Naya Tola, PS- Phulwarisharif, District- Patna
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-06-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 323, 325, 307, 504 and 506 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that 10 named accused persons including the petitioner
came on 10.07.2016 and started assaulting Sahil, Rockey and
Kalam. Further, when Fahim tried to make them understand,
the accused persons assaulted Fahim by rod and *khanti* causing
injury on head and the injured was taken to the hospital.

4. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case by the
informant. It is further submitted that from perusal of the



allegation as alleged in the FIR, it would manifest that allegation of assault is not specific. It is next submitted that Sikki @ Md. Sikki had approached this Court seeking anticipatory bail by filing Cr. Misc. No. 18253 of 2017 and the same came to be allowed vide order dated 28.11.2017 passed by the then learned Coordinate Bench of this Court. It is also reiterated and submitted that petitioner is a person with clean antecedent and the case is of the year 2016 and the instant anticipatory bail application has been filed in the year 2026 and in these ten years also, the petitioner was not implicated in any other criminal case. It is submitted that petitioner was completely unaware of his implication in the instant case by the informant. It is further submitted that had the petitioner been aware of his involvement in the instant case in that event he would also have moved this Court seeking anticipatory bail like Sikki. It is next submitted that it was only in the year 2026 that the police came knocking the door that petitioner came to know about his false implication in the case. It is also submitted that even the police also did not make any endeavours to arrest the petitioner nor process under Section 82 Cr.P.C. has been issued against the petitioner. It is further submitted that a specific averment to that effect that no process under Section 82 and 83



Cr.P.C. has been issued against the petitioner, has been pleaded at para 6 of the anticipatory bail application. It is next submitted that if the privilege of anticipatory bail is granted to the petitioner, the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, let the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/Successor Court in connection with Phulwari Sharif P.S. Case No. 388 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. One of the bailors of the petitioner shall be his father, namely, Haider Sipahi.

8. However, it is made clear that thereafter the learned trial court shall verify whether process under Section 82 Cr.P.C. has been issued against the petitioner or not and if it is found



that process under Section 82 Cr.P.C. has been issued against the petitioner prior to passing of this order in that event the provisional anticipatory bail of the petitioner shall not be confirmed but then if it is found that process under Section 82 Cr.P.C. has not been issued prior to passing of this order in that event the provisional anticipatory bail bonds shall be confirmed forthwith.

(Satyavrat Verma, J)

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