

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39457 of 2026

Arising Out of PS. Case No.-235 Year-2025 Thana- BIHAR District- Nalanda

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1. Md. Tausif @ Tausif Son of Md. Ejaj Resident Of Village- Kasi Takia, Ps- Laheri, District- Nalanda, Bihar Sharif
 2. Seraji Mallik @ Serazi Mallick Son of Khurshid Anwar Resident Of Village- Kasi Takia, Ps- Laheri, District- Nalanda, Bihar Sharif

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Renuka Ratnakar, (App 125)

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 17-06-2026 Heard the learned counsel for the petitioners and
learned APP for the State.

2. At the outset, the learned counsel appearing on behalf of the petitioners submit that during pendency of the present anticipatory bail petition, the petitioner no. 2 has been arrested, therefore his anticipatory bail petition has become infructuous.

3. Considering the above, the anticipatory bail petition of petitioner no. 2 is dismissed as infructuous.

4. The petitioner no. 1 apprehends his arrest in connection with Bihar Sharif P.S Case No. 235 of 2025, for allegedly having committed offences under Sections 191(2),



191(3), 190 and 109(1) of B.N.S. and Section 27 of the Arms Act.

5. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant to the effect that, on 18.04.2025 while the informant was on patrolling duty at around 20:15 hours, he received an information that in ward no. 27 in between the house of late Dr. Saraswati Devi and Annu Vision Shop, firing has been made by criminals in the middle of the road. Upon receiving such information and to verify the genuineness of the same, he reached at the place of occurrence, where he came to know that 10-15 criminals caused firing and thereafter, fled away from the place of occurrence.

6. The learned counsel for the petitioner submits that no such occurrence has taken place and the petitioner was not present at the place of occurrence. The name of the petitioner transpired in the present case on the basis of the confessional statement made by co-accused Raghav Kumar, during course of investigation. He further submits that nothing has been recovered from the possession of the petitioner and one of the co-accused namely Md. Afridi @ Fiddi has been granted the privilege of anticipatory bail by a Hon'ble Single Judge of this



Court, vide order dated 08.10.2025 passed in Cr. Misc. No. 70217 of 2025. He further submits that the petitioner no. 1 has got a clean antecedent.

7. Per contra, the learned APP for the State vehemently opposes the prayer for bail of the petitioner no.1 and submits that the petitioner no.1 indulged in firing at a public place, along with other co-accused.

8. Having heard the rival submissions and after going through the records, it appears that the First Information Report was lodged against the unknown and during course of investigation the name of the petitioner no.1 transpired in the present case on the basis of the confessional statement made by one of the co-accused. Nothing has been recovered from the possession of the petitioner no.1 and he has got a clean antecedent. Considering the facts and circumstances of the case, let the petitioner no.1, above named, in the event of arrest or surrender within a period of six weeks, be released on bail furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda in connection with Bihar Sharif P.S. Case No. 235 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S, with further



condition:

(1) The learned Court concerned shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court concerned shall take steps 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.

(Ritesh Kumar, J)

Pallavi/Mridula

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