

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65233 of 2025

Arising Out of PS. Case No.-61 Year-2025 Thana- Gadhiya Bazar District- East Champaran

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Arshad Alam, S/o Abdul Wahab, R/o Village- Gangapur, P.S.- Madhuban,
Distt.- East Champaran .

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Usha Kumari, Adv. Mr. Prashant Kumar, Adv.
For the Informant	:	Mr. Abhishek Kumar, Adv.
For the State	:	Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 17-01-2026 Heard the learned counsels appearing on behalf of the parties.

2. The petitioner is apprehending his arrest in connection with Garahiya Bazar P.S. Case No. 61 of 2025 (G.R. No. 2059 of 2025) registered for the offence(s) under Section(s) 191(2), 190, 126(2), 115(2), 118(1), 109, 303(2), 352, 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).

3. As per the prosecution case, the informant has alleged that the ten named F.I.R. accused persons including the petitioner and five unknown persons brutally assaulted the son of the informant. It has further been alleged that the petitioner



with an intention to kill the son of the informant had assaulted on his head indiscriminately. The F.I.R. also states that three other persons had also assaulted the son of the informant on his head.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case with an allegation of assault. It has been submitted that from the perusal of the F.I.R., it would be evident that altogether ten persons are stated to have indiscriminately assaulted the son of the informant and apart from that four persons are named to have specifically assaulted the son of the informant. However, it has been argued that from the perusal of the injury report, which forms part of the case diary, it would be evident that two injuries were found on the head of the injured, namely, Shravan Kumar, one being an incised wound and other being lacerated wound. It has further been submitted that the allegation of assault has falsely been leveled against the petitioner and others and the rest of the allegations of snatching away of the gold chain and the money are superficial.

5. It has been submitted on behalf of the petitioner that the similarly situated co-accused, namely, Rajnish Kumar has been granted bail by a co-ordinate Bench of this Court *vide*



order dated 25.08.2025 passed in Cr. Misc. No. 56291 of 2025.

It has lastly been submitted that the petitioner has clean antecedent.

6. The learned A.P.P. for the State as well as the learned counsel for the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and have submitted that there is a specific allegation upon the petitioner to have assaulted on the head of the son of informant along with other persons.

7. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner, above-named, be released on anticipatory bail, in the event of his arrest or surrender before the concerned Court/successor Court within a period of four weeks from today, on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court/successor Court where the case is pending in connection with Garahiya Bazar P.S. Case No. 61 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the



following conditions :

(i) One of the bailors of the petitioner shall be his close relative and the other shall be a local resident.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the concerned Court.

(iv) The concerned Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that he has concealed his criminal antecedent, the Court concerned shall take necessary steps for cancellation of his bail bond. 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.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

9. The application stands allowed.

(Sourendra Pandey, J)

Praveen-II/-

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