

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79141 of 2025

Arising Out of PS. Case No.-190 Year-2024 Thana- BIRAUL District- Darbhanga

MD. SITARE @ IMRAN S/o Mintullah @ Bhola Resident of Village-
Deokuli Dham Damaya, Police Station- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 31-01-2026 Heard Mr. Nilendu Kumar Choudhary, learned
counsel for the petitioner as well as Mr. Binod Kumar, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
14.05.2024 in connection with Biraul P.S. Case No. 190 of
2024, F.I.R. dated 14.05.2024 for the offences punishable under
Sections 302, 120(B) and 34 of the Bharatiya Nyay Sanhita,
2023.

3. According to prosecution case, the informant
alleged that on 14.05.2024 when she was sitting at her door step
in the meantime, the petitioner along with other co-accused
persons came and started abusing and on objection they
assaulted her husband on his head by means of Fattha on due
which her husband sustained injuries and later taken to hospital



but died in the way.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation levelled against the petitioner is false and fabricated. Although in the FIR there is direct and specific allegation of assault attributed against the petitioner but during investigation, the witnesses have stated that all the FIR named accused persons have assaulted the deceased, which is recorded in paragraph nos.12,14,45 and 48 of the case diary and it has come during investigation that there was land dispute between the parties. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 14.05.2024.

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

6. Considering the aforesaid facts and circumstances as well as the fact that petitioner has clean antecedent and witnesses have stated that all the accused persons have assaulted the deceased and period of custody, let the petitioner, above named, 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 District & Additional



Sessions Judge-Biraul, Darbhanga in connection with Biraul
P.S. Case No. 190 of 2024, subject to the 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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