

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88254 of 2025

Arising Out of PS. Case No.-178 Year-2025 Thana- BHAWANIPUR District- Purnia

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1. Md. Rahat @ Sk. Rustam S/o- Late Sukhbul Village- Latan Bari Ward No- 08 PS- Bhawanipur Dsitt- Purnea
 2. Md. Sajan S/o- Md. Wosik Village- Latan Bari Ward No- 08 PS- Bhawanipur Dsitt- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-01-2026 Heard Mr. Bijendra Kumar Singh, learned counsel for the petitioners and Mr. Nawal Kishore Prasad, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Bhawanipur P.S. Case No. 178 of 2025, F.I.R. dated 12.07.2025 registered for the offences punishable under Sections 190, 191(2), 191(3), 126(2), 115(2), 118(1), 109, 329(3), 329(4), 303(2), 352, 351(2) of the B.N.S. and section 27 of the Arms Act.

3. As per prosecution case, it is alleged that the petitioner no. 1 has made open firing upon the informant and petitioner no. 2 has assaulted the informant by means of *garasa* due to which informant got injured.



4. Learned counsel for the petitioners submit that the petitioners have clean antecedent and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. There is admitted land dispute between the parties. But the injury report of the informant which according to paragraph 29 of the case diary which suggests that: ***1. "Swelling over Frontal Region (2) Chest compassion (3) Pain abdomen. Further doctor has found all injuries are simple in nature.***

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedent and the injuries are found to be simple in nature, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Bhawanipur P.S. Case No. 178 of 2025, subject to the conditions as laid down under Section 438(2) of the Code



of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioners 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.

(2) If the petitioners tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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