

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86688 of 2025

Arising Out of PS. Case No.-121 Year-2025 Thana- DARPA District- East Champaran

1. Wosar Miyan, S/O Hasmuddin Miyan, R/O Vill.- Pakadiya Paithan Patti Bhelwa, P.S.- Darpa, District- East Champaran
2. Salauddin Miyan @ Bhindi, S/O Late Mobarak Miyan, R/O Vill.- Pakadiya Paithan Patti Bhelwa, P.S.- Darpa, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-01-2026 Heard Mr. Nafisu Zzoha, learned counsel for the petitioner and Mr. Anuj Kumar Shrivastava, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Darpa P.S. Case No. 121 of 2025, F.I.R. dated 10.05.2025 for the offences punishable under Sections 126(2), 115(2), 303(2), 117(2), 74, 109, 352, 351(2) and 3(5) of the BNS.

3. As per the First Information Report, due to petty dispute, the petitioner along with other co-accused persons assaulted to the informant and when the informant's son came to save him he was also assaulted by Alauddin Miyan with farsa on



his head causing head injury. It is further alleged that the co-accused Salauddin Miyan assaulted with iron rod to the wife and sister-in-law of the informant due to which they sustained injuries on their head and hand. They also took Rs.5,000/- from the pocket of the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been 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 offences as alleged in the F.I.R., rather there is general and omnibus allegation against the petitioner no. 1. There is specific allegation against the petitioner no. 2 is that he assaulted to the wife of the informant although they have received injuries apart from the aforesaid, it appears that the FIR was instituted after delay of three days without any explanation. The occurrence took place on 07.05.2025 but the FIR instituted on 10.05.2025 and the wife of the informant has received injury in hand which is not the vital part of body. There is no specific allegation against the petitioner no. 1 namely Wosar Miyan.

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



6. Considering the aforesaid facts and circumstances, the petitioners have clean antecedent and no specific allegation of assault is against the petitioner no. 1 and the injury report of the person injured is not on the vital part of the body, let the petitioners, above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Darpa P.S. Case No. 121 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 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 bond 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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