

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90170 of 2025

Arising Out of PS. Case No.-430 Year-2025 Thana- LAKHISARAI District- Lakhisarai

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1. Saiyad Arman @ Md. Arman Son of Md. Samim Resident of Village -Sonay, Ps- Jamui, Dist-Jamui
 2. Md. Abushan @ Chhote Son of Md. Samim Resident of Village -Sonay, Ps- Jamui, Dist-Jamui
 3. Md. Sikandar Khan son of Md. Rashid Khan Resident of Village -Mahisona Ward NO 5 PS- Tetarhat District- Lakhisarai
 4. Md. Mubarak Khan Son of Md. Rashid Khan Resident of Village -Mahisona Ward NO 5 PS- Tetarhat District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Sri Krishna Prasad Singh, Sr. Advocate Mr. Rakesh Singh, Advocate
For the State	:	Ms. Meena Singh, APP
For the O.P. No. 2	:	Ms. Naziz Shabah, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 20-02-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in anticipation of their arrest in connection with Lakhisarai P.S. Case No. 430 of 2025 instituted for the offences punishable under Sections 140(1), 303(2), 126(2), 127(2), 115(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita.

3. As per the prosecution case, the informant has



alleged that the named accused persons including one unknown had entered the house and started abusing the female members of the house and thereafter they forcibly kidnapped the informant and had assaulted him. It is further alleged that with the help of police the informant was recovered and thereafter the FIR was lodged.

4. Learned senior counsel for the petitioners submits that the petitioners have been falsely implicated in this case with false and concocted story. It has been submitted that no such incident, as alleged, has occurred and, in fact, the allegation of kidnapping was also false which would be evident from the fact that despite the incident being of 31.08.2025, the FIR was lodged on 03.09.2025 as an afterthought with an intention to falsely implicate the petitioners. The informant, himself, is a habitual offender and there are several cases pending against him and it has been stated that he is in the habit of taking money from the villagers and has not been returning them.

5. Learned senior counsel has drawn the attention of this Court towards the legal notice which was sent to the informant *vide* Annexure-2 series, which would go on to show that it was the informant who had taken money from the petitioners and only to thwart any attempt to demand the same,



present false and concocted case has been lodged. From perusal of Annexure-4 series, it would be evident that the injuries sustained by the injured persons were found to be simple in nature. Lastly, it is submitted that petitioner nos. 1, 2 and 3 have one criminal antecedent each while petitioner no. 4 has clean antecedent.

6. Learned counsel for O.P. No. 2 as well as the learned APP appearing on behalf of the State vehemently opposed the prayer for anticipatory bail of the petitioners and have stated that the petitioners have not only kidnapped the informant but they had also assaulted the family members and from the injury report it would be evident that the injury was on the forehead. It has been submitted that the petitioners had tried to kill the informant however he was saved by the police. It has lastly been submitted that the petitioners, if granted anticipatory bail they would threaten the informant and others and therefore, they should not be released on anticipatory bail.

7. Upon hearing the learned counsel for the parties and considering the facts aforesaid especially taking into account the fact that the injuries were simple in nature, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period



of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 430 of 2025, subject to the conditions as laid down under Section 482 of the BNSS and subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioners;

(ii) the petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court;

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will liable to be cancelled by the Court concerned;

(iv) 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 bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the



same on 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.

(Sourendra Pandey, J)

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