

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89934 of 2025

Arising Out of PS. Case No.-298 Year-2025 Thana- VIJAYEPUR District- Gopalganj

1. Ashgar Alam S/o Aalam Miya Resident of Village- Pagara, P.S.- Vijayipur, District- Gopalganj
2. Raju Miya S/o Gafar Miya Resident of Village- Pagara, P.S.- Vijayipur, District- Gopalganj
3. Sahabuddin Miya S/o Gafar Miya Resident of Village- Pagara, P.S.- Vijayipur, District- Gopalganj
4. Aftab Khan @ Kaju S/o Gafar Miya Resident of Village- Pagara, P.S.- Vijayipur, District- Gopalganj
5. Aslam Miya S/o Dilsher Miya Resident of Village- Pagara, P.S.- Vijayipur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anand Vardhan, Adv. Ms. Shubhangi Pandey, Adv.
For the Opposite Party/s	:	Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-01-2026 Heard Ms. Shubhangi Pandey, learned Counsel for
the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Vijayipur P.S. Case No. 298 of 2025 for the offence registered under sections 115(2), 126(2), 109, 303(2), 352, 351(2), 3/5 of BNS.

3. As per the prosecution story, the informant alleged that he used to sell corn on a cart. Allegation is that Sahabuddin Miya and Aftab Khan (petitioner nos. 3 and 4 respectively)



came, had corn and left the place without making payment. As it was protested, all the accused persons came armed variously, took the corn, started eating it and on the demand of money, assaulted. Main allegation is against Sahabuddin Miya and Aftab Khan that one caught hold of him while the other gave knife blow causing injury on the head. This led to the FIR.

4. Learned Counsel for the petitioners submit that they are the whole-seller, the informant side had taken corn for retail sale but failed to make the payment and to save the skin, the FIR.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that a perusal of the FIR would show that Sahabuddin Miya and Aftab Khan (petitioner nos. 3 and 4) played active role in assaulting the informant.

6. Considering the submissions of the parties as also the FIR, no case for anticipatory bail of Sahabuddin Miya and Aftab Khan (petitioner nos. 3 and 4) is made out. Accordingly, their anticipatory bail application stands rejected.

7. So far as petitioner nos. 1, 2 and 5 namely, Ashgar Alam, Raju Miya and Aslam Miya respectively are concerned, omnibus allegation is there, no role has been assigned to them,



they do not have criminal antecedent, in that background, this Court is inclined to grant them the anticipatory bail with conditions.

8. Let the petitioner nos. 1, 2 and 5 namely, Ashgar Alam, Raju Miya and Aslam Miya in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Gopalganj in connection with Vijayipur P.S. Case No. 298 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner nos. 1, 2 and 5 namely, Ashgar Alam, Raju Miya and Aslam Miya, who shall provide official document (Aadhar Card, PAN Card, Driving License, Voter ID) to show his *bona fide*;

(ii) the petitioner nos. 1, 2 and 5 namely, Ashgar Alam, Raju Miya and Aslam Miya shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;



(iii) the petitioner nos. 1, 2 and 5 namely, Ashgar Alam, Raju Miya and Aslam Miya shall appear before the concerned police station every month for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioner nos. 1, 2 and 5 namely, Ashgar Alam, Raju Miya and Aslam Miya shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner nos. 1, 2 and 5 namely, Ashgar Alam, Raju Miya and Aslam Miya shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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