

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89584 of 2025

Arising Out of PS. Case No.-290 Year-2025 Thana- BANIAPUR District- Saran

1. Bhabhuti Rajak @ Naushad Miya @ Naushad Ali Son of Late Habib @ Late Habib Miya Resident of Village- Amaw, Police Station- Baniyapur, District- Saran
2. Maksud @ Maksud Raj Son of- Late Habib @ Late Habib Miyan Resident of Village - Amav, Police Station - Baniyapur, District -Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankur Prakash Sinha, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-01-2026 Heard Mr. Ankur Prakash Sinha, learned counsel for the petitioners and Mr. Syed Ehteshamuddin, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Baniyapur P.S. Case No. 290 of 2025, F.I.R. dated 28.06.2025 registered for the offences punishable under Sections 127(1), 115(1), 118(1), 109, 351(2), 352, 3(5) of the B.N.S.

3. Allegation against the petitioners is that they along with other co-accused persons have assaulted the informant with lathi on head. There is allegation of assault by knife on the head of the informant by accused petitioner namely



Bhabhuti Rajal @ Naushad Miya due to which causing injury on the head.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents 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. As per allegation in the F.I.R. the petitioner no. 1, namely, Bhabhuti Rajak @ Naushad Miya @ Naushad Ali has assaulted the informant by means of knife and as per allegation against the petitioner no. 2, namely, Maksud @ Maksud Raj is that there is no specific allegation against him in the F.I.R. and the injury report of the informant suggests that he has received injury which is quoted below:

“ cut wound over back chest 2” x ½” & NCCT done, of fracture of left temporal bone is found & patient was referred to P.M.C.H. where he was admitted till 05.07.2025. Left side lung contusion (haemothorox) injuries are found to be grievous in nature due to sharp instrument & due to hard & blunt object”.

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



6. Considering the aforesaid facts that there is specific and direct allegation against petitioner no. 1 supported by medical evidence as well as injury inflicted upon the informant is grievous in nature, I am not inclined to grant the privilege of anticipatory bail to the petitioner no. 1, namely, Bhabhuti Rajak @ Naushad Miya @ Naushad Ali in connection with Baniyapur P.S. Case No. 290 of 2025. Prayer for anticipatory bail of petitioner no. 1, namely, Bhabhuti Rajak @ Naushad Miya @ Naushad Ali is rejected.

7. As regards the petitioner no. 2, namely, Maksud @ Maksud Raj is concerned, there is no specific allegation against him in the F.I.R. and apart from that petitioner no. 2 having clean antecedent, let the petitioner no. 2, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saran at Chapra in connection with Baniyapur P.S. Case No. 290 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) Petitioner no. 2 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 petitioner no. 2 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 petitioner no. 2 and in case at any stage, it is found that the petitioner no. 2 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 2. 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)

Ibrar//-

U		T	
---	--	---	--

