

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5235 of 2025**

Arising Out of PS. Case No.-598 Year-2023 Thana- SIKARPUR District- West Champaran

Noor Hoda @ Nurul Hoda S/O Late Sheikh Monaf @ Late Sheikh Moshaf  
Resident of village- Nautanwa, P.S- Shikarpur, District- West Champaran.  
... .. Petitioner/s

Versus

The State of Bihar ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sharad Kumar Verma, Adv.  
For the Opposite Party/s : Mr. Ahmad Ali, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

4      09-05-2025                      Heard the learned Advocate for the petitioner and the  
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Shikarpur P.S. Case No. 598 of 2023, registered for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

3. Based upon the *fardbeyan* of the informant, the prosecution alleges that while the informant along with other family members were engaged in sowing paddy, in the meanwhile, all the FIR named accused persons armed with weapons came there and started abusing and protesting for farming. It is further alleged that co-accused Murtuza Khalifa has assaulted the informant over his head, due to which he sustained serious injury. There are further allegation against other co-accused persons of causing firing and assaulting the



informant and others.

4. Learned Advocate for the petitioner referring to the FIR contended that the petitioner is not named in the FIR and later on, after a delay of 7 days, the cousin of the informant has disclosed that the petitioner along with other accused persons have also arrived at the place of occurrence. It is further contended that in fact both the parties are close door neighbours and, as such, none disclosure of the name of the petitioner in the crime at the time of institution of the FIR clearly suggest that he was not even present at the place of occurrence. There is a counter version of the present case being Shikarpur P.S. Case No. 599 of 2023 instituted against the informant and other persons. Taking note of all the aforesaid fact, co-accused Mainul Haque @ Moinul Haque @ Mainu Sheika and co-accused Osim Alam @ Wasim Ahmad have been extended the privilege of anticipatory bail by this Court in Cr. Misc. Nos. 81156 of 2023 and 38206 of 2024, respectively. The copies of the orders have been placed on record as Annexure- 2 and Annexure-2/1.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the name of the petitioner has been disclosed by the cousin of the informant. Moreover, the informant succumbed to the injuries and later on Section 302 of the Indian Penal Code was added.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been disclosed by the family member after seven days of the occurrence, coupled with the factum of case and counter case and the case of the petitioner is based on parity with others, who have been extended the benefit of anticipatory bail, let the petitioner above named be released on bail, in the event of his 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, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 598 of 2023, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

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