

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9502 of 2025

Arising Out of PS. Case No.-213 Year-2024 Thana- RAHIKA District- Madhubani

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1. Md. Nasir @ Nasir Son of Md. Mojibur Rahman @ Md. Mojibur
 2. Md. Shamim Son of Md. Mojibur @ Md. Mojibur Rahman
 3. Rahmati Khatoon @ Rahmani Khatoon Wife of Md. Shamim
 4. Sakina Khatoon Wife of Md. Nasir @ Nasir
 5. Md. Taufique @ Md. Taufique Alam son of Md. Nasir @ Nasir
 6. Nasrin @ Nasrin Pravin @ Nasruddin Daughter of Md. Nasir @ Nasir.
All R/o Village -Ijara PS- Rahika District -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr.Ashok Kumar Singh, APP
For the Informant	:	Mr.Sunil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-03-2025 After some arguments, learned counsel for the

petitioners seeks permission to withdraw this application

with respect to petitioner No.1, namely, Md. Nasir @ Nasir.

2. Permission is accorded.

3. Accordingly, the bail petition with respect to

petitioner No.1, namely, Md. Nasir @ Nasir is dismissed as

withdrawn.

4. Heard Mr.Ravi Prakash, learned counsel for the

petitioners, Mr.Sunil Kumar Singh, learned counsel for the



informant and Mr.Ashok Kumar Singh, learned Additional Public Prosecutor for the State.

5. The petitioners are apprehending their arrest in connection with Rahika P.S.Case No.213 of 2024, FIR dated 03.10.2024 registered for the offences punishable under Sections 329(3), 126(2), 115(2), 76, 118(1), 109, 352, 351(2) and 3(5) of B.N.S.

6. The prosecution case, in short, is that on 21.09.2024 at about 08:00 informant's bhabhi Shamshad Begam was in the courtyard. In the meanwhile with intention to grab the land, informant's elder brother Md. Nasir and Md. Shamim tried to obtain thumb impression of Shamshad Begam. On protest they assaulted her and torn her cloth. On hulla informant came to save her then Nasir assaulted informant with tengari on the head, as a result she fell down. Again Shamim gave dagger blow on her neck which hit in his hand. Sakina Khatoon, Rahmani Khatoon Md. Taufik Alam, Nasrin assaulted her with lathi danda to Samshad Begam, her son Md. Sahabuddin and informant.

7. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case.



It appears from the FIR itself that due to admitted land dispute, the present occurrence had taken place. There is case and counter case. Although the petitioners are named in the FIR but it appears from the FIR itself that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is specific allegation of assault attributed against co-accused person, namely, Md. Nasir @ Nasir. Further submits that the informant and petitioners are agnates to each other.

8. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the FIR and apart from that, the petitioners carry two more cases other than the present one but fairly submits that the petitioners are on bail in both the cases, as mentioned in para-3 of the bail petition.

9. Considering the aforesaid facts, there is case and counter case and there is no specific allegation of any assault or overt-act attributed against the petitioners, let petitioner Nos. 2 to 6, above named, in the event of their



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)each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Madhubani in connection with Rahika P.S.Case No.213 of 2024, 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:-

(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 bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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)

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