

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12718 of 2025

Arising Out of PS. Case No.-171 Year-2023 Thana- PIPRAKOTHI District- East Champaran

1. Md. Reyaz Ahmed @ Md. Riyaj S/o Md. Sultan R/o vill- Suryapur, P.O. and P.S. - Piparkothi, Distt.- East Champaran
2. Md. Ansar Alam @ Ansar S/o Kurban Mian R/o vill- Suryapur, P.O. and P.S. - Piparkothi, Distt.- East Champaran
3. Nisar Alam @ Neshar S/o Kurban Mian R/o vill- Suryapur, P.O. and P.S. - Piparkothi, Distt.- East Champaran
4. Md. Saheb Alam @ Md. Saheb S/o Md. Sultan R/o vill- Suryapur, P.O. and P.S. - Piparkothi, Distt.- East Champaran
5. Md. Kaish Alam @ Md. Kaish S/o Late Suleman Mian R/o vill- Suryapur, P.O. and P.S. - Piparkothi, Distt.- East Champaran
6. Aasif Reza @ Asif S/o Jaman Ahmed R/o vill- Suryapur, P.O. and P.S. - Piparkothi, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kaushik, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 02-07-2025 Heard Mr. Kumar Kaushik, learned Counsel for the petitioners and Mr. Sanjay Kumar Singh, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Piprakothi P.S. Case No. 171 of 2023 for the offence registered under sections 307, 354, 379, 147, 148, 149, 341, 323, 324, 427, 504, 506 of the IPC lodged on 20.07.2023 by the informant, Md. Nazir.



3. As per the prosecution story, the informant alleged that armed variously, the accused persons came on at least a dozen vehicles (both car/motorcycles) and on the dispute relating to Madarsa land, allegation of assault is/are there.

4. The role assigned to the different accused is/are as follows:

(i) petitioner no. 1, Md. Reyaz Ahmed- Shahid Raza by farsa on head/hand;

(ii) petitioner no. 2, Md. Ansar-Saba Parveen by farsa on her head;

(iii) petitioner no. 3, Nisar Alam-Salim Javed by bhala near his eyes;

(iv) petitioner no. 4, Md. Saheb Alam and petitioner no. 5, Md. Kaish Alam- no role has been assigned;

(v) petitioner no. 6, Md. Aasif Reza- Shazad Alam by dab on his head causing injury.

5. Learned Counsel for the petitioners submit that main role is against one Alam Gir who assaulted Mairun Nisha causing grievous injury to her as per the injury report. So far as the injury to Sahid Raza is concerned, the opinion was reserved and it cannot be said that the same was grievous in nature. Regarding Saba Parveen and Salim Javed, the submission is that the injuries have been found to be simple in nature. So far as the



other petitioners are concerned, no specific allegation is there. Lastly, even the injury of Shazad Alam has been found to be simple in nature.

6. The further submission is that there is case and counter case, the accused side have also suffered and the last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 2,000/- each (totaling Rs. 12,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

7. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that all of them armed variously assaulted the informant's side causing injuries and some of them has been found to be simple in nature.

8. In this case, case diary was called for by a Co-ordinate Bench, the injury report is on record which confirms the narration made by the learned counsel for the petitioners. So far as these petitioners are concerned, the injuries have been found to be simple in nature save and except one Sahid Raza



where the opinion was reserved. Main allegation is against Alam Gir who assaulted Mairu Nisha causing grievous injury.

9. In that background and taking into account that there is counter case also, this Court is inclined to grant them the anticipatory bail with conditions subject to payment of Rs. 2,000/- each (totaling Rs. 12,000/-) to the informant as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

10. Let the petitioners 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 Sub Divisional Judicial Magistrate, East Champaran in connection with Piprakothi P.S. Case No. 171 of 2023 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 petitioners, who shall provide official document to show his *bona fide*;

(ii) the petitioners 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 petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners 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 petitioners 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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