

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11943 of 2025

Arising Out of PS. Case No.-35 Year-2024 Thana- Bargaon District- Darbhanga

- 1. Safruddin S/O Md. Suleman Resident of Villlage- Bargaon, P.S- Bargao, District- Darbhanga.
- 2. Md. Aftab @ Altaf S/O Md. Safruddin Resident of Villlage- Bargaon, P.S- Bargao, District- Darbhanga.
- 3. Md. Azimuddin S/O Fakruddin Resident of Villlage- Bargaon, P.S- Bargao, District- Darbhanga.
- 4. Md. Salimuddin S/O Md. Salauddin Resident of Villlage- Bargaon, P.S- Bargao, District- Darbhanga.
- 5. Md. Nezamuddin S/O Md. Suleman Resident of Villlage- Bargaon, P.S- Bargao, District- Darbhanga.
- 6. Shahbaz S/O Md. Safruddin Resident of Villlage- Bargaon, P.S- Bargao, District- Darbhanga.
- 7. Md. Fakhruddin S/O Md. Suleman Resident of Villlage- Bargaon, P.S- Bargao, District- Darbhanga.
- 8. Md. Matin @ Abdul Motim S/O Md. Yusuf Resident of Villlage- Bargaon, P.S- Bargao, District- Darbhanga.
- 9. Zulfekar S/O Md. Suleman Resident of Villlage- Bargaon, P.S- Bargao, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Ansiur Rahman, Adv.
For the Opposite Party/s : Mr. Rajiv Nayan, APP
For the informant : Mr. Nilendu Choudhary, Adv.
Mr. Abhay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-05-2025 Heard learned counsel for the petitioners, State and
the informant.

2. The petitioners apprehend their arrest in connection
with Jamalpur (Bargaon) P.S. Case No. 35 of 2024 for the



offence registered under sections 191(2), 126(2), 115(2), 118, 109, 125(1), 352, 251(2) and 3(5) of BNS lodged on 13.07.2024 by the informant, Nasima Khatoun.

3. As per the prosecution story, the informant alleged that her son, Ashfaque was brought by some persons in unconscious condition and his intestine was out of his body cut by sword, she fainted, regained consciousness and later came to know that he has been taken to the hospital. This led to the FIR.

4. Learned counsel for the petitioners submit that the allegation of using sword is only on Ashfaque while allegation against others is of using *lathi*.

5. Learned APP has appeared in the case and he submits that the son of the informant was brutally assaulted and they used sword to pierce it in the abdomen which led entire intestine to go out, the injured anyhow survived. He further submits that the process under Section 82,83 Cr.P.C has already been completed and a belated anticipatory bail has now been filed. The last submission is that against the observation of the learned Sessions Judge that Md. Nezamuddin, Md. Salimuddin and Md. Safruddin are having criminal antecedent, the paragraph 3 of the petition shows that the petitioner no. 1 has clean antecedent.

6. Considering the aforesaid submissions of the



parties as also the fact that false statement has been made in paragraph 3 despite the observation of the learned Sessions Judge that Md. Safruddin (petitioner no. 1) is having criminal antecedent, in that background, this Court is not inclined to extend them privilege of anticipatory bail.

7. According, the prayer for anticipatory bail stands rejected.

(Rajiv Roy, J)

Vijay Singh/-

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