

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15479 of 2025

Arising Out of PS. Case No.-183 Year-2024 Thana- BANJARIA District- East Champaran

1. Hamid Hussain Son of Naimul Hoda Resident of Village-Janerwa , P.S-Banjariya , District-East Champaran
2. Sheikh Sakir @ Sakir Hussain Son of Naimul Hoda Resident of Village-Janerwa , P.S-Banjariya , District-East Champaran
3. Sheikh Kasim Son of Samsul Hoda Resident of Village-Janerwa , P.S-Banjariya , District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 20-06-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Banjaria P.S. Case No. 183 of 2024 registered for the offences punishable under Sections 190, 191(2)(3), 109, 118(1), 74, 303(2) and 352 of B.N.S.

3. As per the prosecution case, the informant along with his son was sitting at his door and talking to each other, in the meantime, the petitioner and the co-accused persons armed with weapon came and the co-accused Naimul Hoda ordered to



kill them on which the co-accused Sabir Hussain assaulted with farsa on the informant's head with intention to kill due to which he sustained injury and blood oozing out, the co-accused Sahid Hussain fired on the informant's leg causing gunshot injury. When the informant's son came to rescue, the co-accused Tanvir Alam assaulted with Bhala on his left eye due to which he got injured and when the informant's son Md. Nausad came to rescue his brother, the co-accused Sabir Hussain and the Hamid Hussain (petitioner no.1) assaulted with iron rod on his head with intention to kill. It is further alleged that the informant's son Tausif Alam and Asfaq Alam were assaulted with lathi on their whole body by Shiekh Kasim (petitioner no.3) due to which he sustained injury. It is further alleged that all the accused persons entered the house of the informant and looted gold and silver ornaments, cloth, utensils and cash of Rs. 20,000/- and they also dragged the informant's wife due to which she became naked.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. No injury of firing was found on the head of the informant. It is further submitted that



the injuries sustained by the injured are simple in nature. The petitioners have no concern with the alleged recovery. The petitioner no.1 has three criminal antecedent, the petitioner no.2 has four criminal antecedent and the petitioner no.3 has one criminal antecedent in which they are on bail as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, East Champaran at Motihari in connection with Banjaria P.S. Case No. 183 of 2024, subject to conditions as laid down under section 482(2) of the B.N.S.S., with further condition:-

(i) The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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