

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22641 of 2025

Arising Out of PS. Case No.-100 Year-2024 Thana- SHRI NAGAR District- Madhepura

1. Md. Ibrahim S/o- Md. Hafiz Village- Ghardaul (Mangalvara) Ps- Srinagar Dist- Madhepura
2. Md. Rizwan S/o- Md. Sultan Village- Ghardaul (Mangalvara) Ps- Srinagar Dist- Madhepura
3. Md. Mumtaz S/o- Md. Rizwan Village- Ghardaul (Mangalvara) Ps- Srinagar Dist- Madhepura
4. Md. Tasil S/o- Md. Rizwan Village- Ghardaul (Mangalvara) Ps- Srinagar Dist- Madhepura
5. Md. Jamhir S/o- Md. Jahiruddin Village- Ghardaul (Mangalvara) Ps- Srinagar Dist- Madhepura
6. Md. Jahruddin S/o- Md. Sultan Village- Ghardaul (Mangalvara) Ps- Srinagar Dist- Madhepura
7. Md. Anamul S/o- Mustakim Village- Ghardaul (Mangalvara) Ps- Srinagar Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners who apprehend arrest in connection with Srinagar P.S. Case No. 100/2024 lodged 01.08.2024, for the offences punishable under sections 126(2), 115, 118(1), 118(2), 117, 109, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.



3. As per the prosecution, the F.I.R. has been lodged against 21 accused persons, including the petitioners. It is alleged that all the accused persons surrounded the informant, whereafter co-accused Md. Pappu and Md. Asfaque assaulted the informant with a *farsa*, causing a head injury. Subsequently, on the instigation of Md. Isha, Md. Mustaque fired at the informant, causing a gunshot injury to his right abdomen. Thereafter, Md. Naushad assaulted him with a *farsa*, and Md. Saukat assaulted him with a *dabiya*. Md. Isha is further alleged to have assaulted the informant with a *farsa* on the left side of his neck.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. It is submitted that the alleged date of occurrence is 29.07.2024 at 7:30 P.M., whereas the F.I.R. was lodged on 01.08.2024 at 9:30 P.M., with a delay of three days, which casts doubt on the prosecution's case. There is no specific allegation against the petitioners; rather, the accusations are general and omnibus in nature. It is further submitted that the informant and the petitioners belong to the same family, and the present accusations have arisen out of a land dispute. Learned counsel further submits that petitioner no.1 is an accused in two other



criminal cases; petitioner no.2 in four; petitioner no.3 in two; petitioner no.5 in three; petitioner no.6 in three; and petitioner no.7 in three; while petitioner no.4 has clean antecedents.

5. Learned APP for the State opposes the prayer for bail and submits that the learned Sessions Judge, in the rejection order, has recorded the injuries sustained by the informant, which include five injuries caused by hard, blunt, and sharp-edged weapons. These injuries corroborate the allegations made in the F.I.R. It is further submitted that all the petitioners, except petitioner no.4, have criminal antecedents.

6. Considering the fact that petitioner no.4, namely Md. Tasil, has no criminal antecedent, let him be released on anticipatory bail, in the event of his arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30,000/- (thirty thousand), as mentioned in Section 2(1)(d) of the Bharatiya Nagrik Suraksha Sanhita, 2023, to the satisfaction of the learned S.D.J.M., Madhepura, in connection with Srinagar P.S. Case No. 100/2024, subject to the conditions laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

7. However, considering the nature of allegations levelled in the F.I.R. and the criminal antecedents of petitioner



nos. 1, 2, 3, 5, 6, and 7 as mentioned in paragraph no.3 of the petition, this Court is not inclined to grant bail to them. Accordingly, their prayer for anticipatory bail is hereby rejected. However, they are directed to surrender before the Trial Court within a period of four weeks from today. In the event they surrender within this period, the Trial Court shall pass an appropriate order on their surrender-cum-bail application on the same day, without being prejudiced by the fact that their anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

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