

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22371 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- THAKURGANJ District- Kishanganj

1. Shahid @ Md. Shahid Ansari Son of Late Sadique @ Md. Sadique Ansari Village -Haridar Nagar PS -Thakurganj, Dist- Kishanganj
2. Hasan @ Hasan Raza Ansari @ Hasan Son of Md. Shahid Ansari @ Shahid Village -Haridar Nagar PS -Thakurganj, Dist- Kishanganj
3. Nawab @ Nawab Alam son of Abdul Hamid Village -Haridar Nagar PS -Thakurganj, Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharendra Singh, Adv.
For the Opposite Party/s	:	Mrs. Rita Verma, APP
For the Informant	:	Mr. Dharendra Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 07-08-2025 Heard learned counsel for the petitioners and learned APP for the State as also learned counsel for the Informant. Perused the case diary.

2. The petitioners seek bail in connection with Thakurganj P.S. Case No. 16 of 2025 instituted for the offences under Sections 126(2), 127(2), 76, 74, 115(2), 118(1), 109, 303(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, the accusation against the petitioners of assaulting the Informant upon his head by means of sword due to which he sustained head injury and profuse bleeding. They also assaulted the Informant's sister as well as



his brother. It is also alleged that they snatched the gold ornaments of his sister.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. The informant is the sister of the petitioner no.1 and *Phuphu* of the petitioner no.2 and sister-in-law of the petitioner no.3. There is a land dispute between the parties. The petitioner has filed a case bearing Thakurganj P.S. Case No. 177 of 2024 against the Informant's side which is pending. Thereafter, the petitioner again filed a case bearing Thakurganj P.S. Case No. 15 of 2025 against the Informant's side and the present case is the counter blast of the aforesaid cases. In the alleged occurrence, both the parties have sustained injuries. There is no specific or direct allegation of any overt act against the petitioners rather the same is general and omnibus in nature. Learned counsel for the petitioners submits that there are four injured persons and from perusal of the injury reports, it appears that the injury sustained by the three injured are simple in nature caused by hard and blunt substance whereas the injury sustained by the injured Shahnaz is grievous in nature caused by hard and blunt substance. The petitioners are in custody since 26.01.2025.



Learned counsel has filed supplementary affidavit stating therein that the petitioner no.1 has two criminal antecedents, the petitioner no.2 has three criminal antecedents whereas petitioner no.3 has four criminal antecedents.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged is serious in nature. He further submits that the Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioners under Sections 115(2), 126(2), 118(1), 74, 351(2), 352, 324(4), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners, let the petitioners, abovenamed, be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Thakurganj P.S. Case No. 16 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioners.



(ii) The petitioners shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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