

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21784 of 2025

Arising Out of PS. Case No.-280 Year-2024 Thana- GORIAKOTHI District- Siwan

1. Ashraf Raja @ Asraf Raja S/o Sherazuddin Miyan R/o Village- Dudhra, P.S. - Goreyakothi, District- Siwan
2. Merazuddin @ Neyaz Ahmad S/o Rajaul Sai R/o Village- Dudhra, P.S. - Goreyakothi, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-04-2025 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Goreyakothi P.S. Case No. 280 / 2024 dated 20.11.2024 registered under Sections 126 (2), 115(2), 118(1), 109, 303(2), 352 , 351(2), 3(5) of the Bharatiya Nyaya Sanhita.

3. As per the first information report on 17.11.2024 at about 8:00 P.M. the informant's neighbour - Mosin Raja, the petitioners and two unknown persons having lathi, danda, sword and bhala arrived at the house of the informant and started abusing. When the son of the informant protested, the aforesaid persons attacked on him. The co-accused Mosin Raja gave sword blow on his head due to which he became unconscious



and fell down. The petitioners along with two unknown persons attacked on the informant and snatched her gold chain.

4. Learned counsel for the petitioners submits that petitioners and informant are co-sharer and neighbour. He further submits that specific allegation of assault on the informant's son is against the co-accused Mosin Raja. The allegation against the petitioners is general and omnibus in nature except specific allegation that the petitioners along with two unknown persons assaulted the informant but no injury has been caused to the informant. Though the impugned order refers to the injury sustained by the informant's son which has been described as grievous in nature but not due to sharp cutting weapon and only 10th rib of left side of the informant's son was found fractured. The side of the petitioners went to lodge F.I.R. which was not accepted by the police accordingly a counter case bearing Complaint Case No. 2033 of 2024 was lodged against the informant and others.

5. Regard being had to the submission made by the parties, taking into consideration the fact that specific allegation of assault on the informant's son is upon the co-accused Mosin Raja, the allegation against the petitioners is general and omnibus insofar the informant's son is concerned and specific



allegation against them is of assaulting the informant but no injury report of the informant has been brought on record by the prosecution , as such, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Janmejy Chaudhary, Judicial Magistrate Ist Class, Siwan in connection with Goreyakothi P.S. Case No. 280 / 2024 subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023.

(Anil Kumar Sinha, J)

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