

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21611 of 2025

Arising Out of PS. Case No.-334 Year-2024 Thana- BAHERA District- Darbhanga

Asad Madni Khan @ Ashad Madni S/o Madni Khan R/o vill - Ashapur, P.S.-
Bahera, Distt.- Darbhanga, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23204 of 2025

Arising Out of PS. Case No.-334 Year-2024 Thana- BAHERA District- Darbhanga

1. Md. Nurul Khan @ Nurul Khan S/o Late Ataul Rahman @ Late Ataul Rahman Khan R/o vill - Ashapur, P.S.- Bahera, Distt. - Darbhanga, Bihar
2. Md. Madni Khan S/o Late Abdul Rahman @ Late Ataul Rahman Khan R/o vill - Ashapur, P.S.- Bahera, Distt. - Darbhanga, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 21611 of 2025)

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Adv.
Mr.Shahbaj Alam, Adv.

For the Opposite Party/s : Mr.Ahmad Ali, APP

(In CRIMINAL MISCELLANEOUS No. 23204 of 2025)

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Adv.
Mr.Shahbaj Alam, Adv.

For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-05-2025 **CRIMINAL MISCELLANEOUS No. 21611 of 2025**

Mr. N.K. Agrawal, learned Senior Counsel, after some arguments, seeks permission to withdraw the application for anticipatory bail of petitioner, Asad Madni Khan @ Ashad Madni (Criminal Miscellaneous No. 21611 Of 2025) with



liberty to surrender before the Trial Court within four weeks.

2. Permission is accorded.

3. The application for anticipatory bail of petitioner, Asad Madni Khan @ Ashad Madni (***Criminal Miscellaneous No. 21611 Of 2025***) is dismissed as withdrawn with the aforesaid liberty.

4. However, if the petitioner surrenders before the learned Trial Court within the aforesaid period of four weeks, the learned Trial Court is expected to consider the regular bail petition on its own merit without being prejudiced by the order of this Court and dispose it of preferably on the same day.

CRIMINAL MISCELLANEOUS No. 23204 of 2025

5. Heard Mr. N.K. Agrawal, learned Senior counsel for the petitioners, learned counsel for the informant and learned APP.

6. The petitioners are apprehending their arrest in connection with Bahera P.S. Case No. 334 of 2024, F.I.R dated 25.08.2024 registered for the offences punishable under 126(2), 115(2), 118(1), 352, 351(2), 117(2), 109, 303(2), 74, 191(2) of BNS, 2023.

7. The prosecution as stated in *fardbeyan* of informant, in brief, is that on 23.08.2024 at around 09:00



O'clock when informant along with his brother, Md. Iqbal was going to his village from his shop which is situated at Ashapur Chowk, then accused persons namely, Md. Nurul Khan, Md. Madani Khan, Md. Samsul Khan, Sarfraz Khan, Imran Khan, Md. Anas Khan, Asad Madani Khan, Md. Akib Khan, Md. Saddab Khan, Md. Sahabuddin Khan, Md. Danish alias Sanu, Firoz Khan, Farman Kha, Fardin Kha, and 8-9 other persons have stopped the informant and his brother. Md. Nurul (petitioner No. 1) and Md. Madani Khan (petitioner No. 2) have ordered to kill informant. Md. Nurul (petitioner No. 1) has assaulted informant with *farsa* on his head. Asad Madani Khan (petitioner in Cr. Misc. No. 21611/2025) has assaulted brother of informant with *farsa* on his head. All the accused persons have abused and assaulted the informant and his brother. When Md. Sufiyan Khan and Md. Hassan Khan came to rescue them, then Md. Madani Khan (petitioner No 2) has assaulted Md. Sufiyan Khan with iron rod due to which his hand got fractured. Md. Sahabuddin Khan has assaulted Md. Hassnain Khan with iron rod due to which his hand also got fractured. The accused persons have destroyed the household articles and abused the female members of his family. Md. Danish has taken Rs. 26,000/- from the pocket of informant and Fardin Khan has



snatched gold chain weighing 10 gram from his neck. Upon noise, when people of surrounding areas gathered there, then they went. The injured were taken to SDH, Benipur from where they were referred to DMCH.

8. Learned Senior counsel for the petitioners submits that the petitioners have falsely been implicated in the present case due to admitted ongoing land dispute between them bearing Title Suit No.05/1997. There is case and counter case between the parties inasmuch as Bahera PS Case No. 335 of 2024 has been lodged. The specific allegation against the petitioner no.1 is that he has assaulted the informant and petitioner no.2 has assaulted one Md. Sufiyan Khan with iron rod. Though, the informant and Md. Sufiyan Khan have received injuries but the injury report suggests that the injuries are simple in nature caused by hard and blunt substance. Apart from that, co-accused, namely, Md. Samsul Khan and others have already been granted anticipatory bail by a co-ordinate Bench of this Court on 19.02.2025 in Cr. Misc. No. 5375 of 2025.

9. The learned Additional Public Prosecutor and learned counsel appearing for the informant, on the other hand, have vehemently opposed the prayer for anticipatory bail of the



petitioners submitting that the petitioners are named in the FIR and they have assaulted the informant and his family members. Apart from that, petitioner no.2 has three criminal cases along with the present one but fairly submits that petitioner no.1 has got clean antecedent.

10. Considering the submissions made on behalf of the parties and the fact that there is case and counter case between the parties, land dispute between them bearing Title Suit No.05/1997 is also there and the injuries received by them is simple in nature and similarly situated co-accused persons have been granted anticipatory bail by the Co-ordinate Bench of this Court as stated above, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bahera, Darbhanga in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-



i. Petitioners shall co-operate 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 on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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