

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21402 of 2025

Arising Out of PS. Case No.-292 Year-2024 Thana- BALIYA District- Begusarai

Kudisha Khatoon W/o Md. Ansarul Haque @ Md. Ansar Resident of Village-
Kasba, PS- Balia, District- Begusarai

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Amar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP
For informant : Sandip Kumar Gautam , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioner, informant
and the State .

2. Petitioner apprehends arrest in a case registered for
the offence punishable under section 329 (3) , 115 (2), 74, 303
(2), 324 (4), 352, 351 (2), 109 (1) , 351 (3) of BNS.

3 . As per the prosecution case , informant namely
Mohiwa Khatoon alleged that on 03.09.2024 at about 7:30 PM,
while she was at her house , in the meantime , all the F.I.R.,
named accused persons including this petitioner armed with
sticks, rods and spears, came to house of informant and
surrounded her and started abusing and when she raised alarm ,



her husband and daughter came to save her, then all the accused persons brutally assaulted her husband and daughter due to which they sustained injuries and were taken to hospital. It is further alleged that accused persons also looted Rs. 50,000/- cash , gold and silver ornaments worth Rs. 1.5 lakhs and vandalized house of informant.

4. Learned counsel for the petitioner submits that both the parties are co-villagers and on a trivial issue a free fight took place between them in which both sides sustained injury . Case and counter case . As a matter of fact, during altercation e – rickshaw (Toto) fell upon Md. Jalal due to which husband of informant sustained injuries. F.I.R., has been lodged after inordinate delay of six days which itself raises doubt over veracity of the prosecution case . Allegation of assault is general and omnibus and there is no specific allegation of overt act against petitioner.

5 . Learned counsel for the State opposed the prayer for bail that petitioner is named in the F.I.R., and there is specific allegation against the petitioner that he along with other co-accused persons assaulted husband of informant due to which husband of informant sustained grievous injury .

6. Considering the nature of accusation and gravity of



offence , prayer for pre-arrest bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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