

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30107 of 2025

Arising Out of PS. Case No.-1316 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Mohammad Ahshaan @ Md. Ahsan S/o- Mohammad Afroz Village- Sarahi
Ward no 5 PS- Saharsa District-Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Raj

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 16-05-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Saharsa Police Station Case No. 1316 of 2024, dated 30.11.2024, disclosing offences under Sections 191(2)/190/115(2)/109/74/303(2)/352/351(2)/351(3) of the Bhartiya Nyaya Sanhita.
3. The prosecution case, as per the First Information Report, is that on 30.11.2024, at around 08:00 AM, when the informant objected to her neighbor co-accused Md. Afroz, who regularly used to throw dirty water in front of her house, upon which, all the accused persons, including the petitioner and 10–12 unknown persons, armed with lathi, danda, iron-rod, fire-arm, etc., entered into the house of



the informant and assaulted the informant, her son and daughter-in-law and her husband causing injuries. It has further been alleged that the petitioner and co-accused Md. Guddu, along with 10-12 unknown persons, molested the informant, outraged the modesty of her daughter-in-law and took away jewelry worth Rs. 85,000/-.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in the present case due to dispute regarding drainage. No specific allegation has been alleged against the petitioner and the nature of allegation is general and omnibus. He next submits that a counter-case, bearing Saharsa Sadar Police Station Case No. 1317 of 2024, has been lodged by the side of the petitioner against the informant and others. He next submits that during the occurrence four persons have sustained injuries and out of them only informant has sustained grievous injury, however, the same is not attributable to the petitioner. The petitioner has got no criminal antecedent.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the



occurrence has taken place on trivial issue, case and counter is there, no specific allegation of assault is against the petitioner and out of four victims, the informant has sustained grievous injury but the same is not attributable to the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Chief Judicial Magistrate, Saharsa, in connection with Saharsa Sadar Police Station Case No. 1316 of 2024, subject to the condition laid down under Section 482 (2) of the Bhartiya Nagrik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J)

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