

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32485 of 2025

Arising Out of PS. Case No.-6 Year-2025 Thana- BANGARA District- Samastipur

MD. BHOLA @ MD. ASGAR HUSSAIN S/o- Late Md. Israil Village-
W.No-7, Dih Sarsauna Ps- Bangra Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Bangra P.S. Case No. 6 of 2025 lodged on 09.01.2025, for the offence punishable under Sections 126(2), 115(2), 329(3), 140(1), 303(2), 109(1) & 3(5) of the Bharatiya Nyaya Sanhita, 2023, pending in the Court of Chief Judicial Magistrate, Samastipur.

3. As per the prosecution, FIR has been lodged against three named accused persons (including the present petitioner) and four unknown persons. It has been alleged in the FIR that all the accused persons arrived at the informant's residence,



assaulted her husband, and forcibly took him away in a car. Later, the informant's husband was found near *Chiknauta Chaur* in an unconscious state and Rs.14,000/- was also snatched away from the informant's husband.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the informant and petitioner's side are well known to each other and there is a previous land dispute going on between the parties due to which petitioner's name has been inserted in this case. Counsel further submits that the petitioner has no criminal antecedent and this false case has been lodged against him. Counsel submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State on the other hand opposes the prayer for bail of the petitioner and submits that the victim has identified the accused persons. Counsel further submits that in the rejection order, it has been acknowledged by the Sessions Judge that the injured Rizwan has fully supported the incident in para 19 of the case diary. The statement of victim under section 183 of the B.N.S.S has been recorded in which the victim has named all the accused and disclosed that how he was assaulted and then kidnapped and also narrated the entire *modus*



operandi.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected with liberty that if, petitioner surrenders before the concerned Trial Court within a period of six weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day, without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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