

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32637 of 2025

Arising Out of PS. Case No.-270 Year-2024 Thana- SONBERSA District- Sitamarhi

1. Md Ishteyaque S/o Shekh Majibul Marhum R/o vill - Mubarakpur, P.S.- Sonbarsa, Distt.- Sitmarhi
2. Md. Mazhar ali S/o Sheikh Tafjjul Husain Marhum R/o vill - Mubarakpur, P.S.- Sonbarsa, Distt.- Sitmarhi
3. Momina Khatoon W/o Safdar Ali R/o vill - Mubarakpur, P.S.- Sonbarsa, Distt.- Sitmarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Sonbarsa P.S. Case No. 270 of 2024 registered for the offences punishable under Sections 191(2), 115(2), 118, 109, 76, 351 and 352 of BNS 2023.

3. As per prosecution case, there is allegation the petitioner no.1 , Md. Ishteyaque, who is said to have assaulted Md. Neyaz upon his head by means of iron rod as a result of which he sustained injury on head. It is further alleged that petitioner no.2, Mazhar Ali, is said to have assaulted Md.



Shahzad on his head by means of iron rod as a result of which he sustained injury on head. It is further alleged that petitioner no.3, Momina Khatoon, assaulted the informant upon the arm by means of iron rod as a result of which informant sustained injury in hand.

4. Learned counsel for the petitioners submits that, though, there are allegation against the petitioner no. 1 and 2 who are said to have assaulted Md. Neyaz and Md. Shahzad but injuries sustained by both of them are simple in nature caused by hard blunt substance. He further submits that there is allegation against petitioner no. 3 who is said to have assaulted the informant on his hand. Though the said injury(annexure-P3) is grievous in nature however, the same is not on the vital part of the body. Learned counsel further submits that the present case is nothing but the counter blast of the earlier case i.e. Sonbarsa P.S. Case No. 258 of 2024 filed by the petitioner's side. Learned counsel further submits that petitioner No. 1 bears criminal antecedent of one case in which he is already on bail and petitioner no. 2 and 3 bear no criminal antecedent. Learned counsel further submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in the case.



5. The learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for anticipatory bail of the petitioners and it is submitted that there are specific allegations of assault against the petitioners who are said have assaulted Md. Neyaz, Md. Shahzad and informant and hence, they do not deserve bail.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sitamarhi in connection with Sonbarsa P.S. Case No. 270 of 2024, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

(Alok Kumar Pandey, J)

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