

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32472 of 2025

Arising Out of PS. Case No.-161 Year-2024 Thana- Baijnathpur District- Saharsa

1. Md Abdul S/o Md Alam Resident of Village- Gamhariya, Ward No. 09, P.S- Baijnathpur, Distt.- Saharsa
2. Kuresha Khatun @ Koresa Khatun W/o Md Alam Resident of Village- Gamhariya, Ward No. 09, P.S- Baijnathpur, Distt.- Saharsa
3. Najnee Khatoon @ Najo Khatoon @ Najnee Khaton @ Najo Khaton W/o Md Abdul Resident of Village- Gamhariya, Ward No. 09, P.S- Baijnathpur, Distt.- Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Subesh Sharma

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Baijnathpur P.S. Case No. 161 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 76, 303(2), 352, 351(2) and 3(5) of BNSS.

3. As per prosecution case, there is allegation against the petitioners who are said to have assaulted informant on head by means of iron rod as a result of which informant sustained injury on head. It is further alleged when informant's son came to rescue, petitioners also assaulted him on head and



temple by means of iron rod as a result of which he sustained injury on head and ear. It is further alleged that petitioners assaulted upon the mouth of the informant's wife as a result of which she sustained injury in mouth. It is further alleged that petitioner no. 1, Md. Abdul, tore the cloth of the informant's wife and snatched ornaments of informant's wife and his son and also took out Rs.1500/- from the informant's pocket.

4. Learned counsel for the petitioners submits that there is no specific allegation against the petitioners. He further submits that injury sustained by all the victims are simple in nature. It is further submitted that date of occurrence is 17.12.2024 and FIR has been lodged on 25.12.2024, there is delay of about eight days in lodging the FIR and the same is without any plausible explanation which questions the authenticity of the prosecution story. Apart from that, petitioners bear no criminal antecedent. He further submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, 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 their 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate at Saharsa in connection with Baijnathpur P.S. Case No. 161 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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