

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34406 of 2025

Arising Out of PS. Case No.-277 Year-2022 Thana- KHODAWANDPUR District- Begusarai

1. Najmun Khatun @ Najmun Nisha W/O - Abdul Kuddus @ Md. Kuddus R/O village and PO - Aijini PS - khodawandpur, Distt-Begusarai
2. Md. Niyaj @ Niyaj Alam @ Md. Neyaj S/O Md. Sahadat @ Md. Shahadat R/O village and PO - Aijini PS - khodawandpur, Distt-Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2025 Heard the parties.

2. The petitioners are apprehending arrest in connection with Khodawandpur P.S. Case No. 277 of 2022 instituted under Sections 147, 149, 341, 323, 325, 307, 379, 504, 506 of the Indian Penal Code lodged on 19.09.2022 by the informant, Md. Shahnawaz Hussain.

3. As per the prosecution story, the informant alleged that the accused persons after abuse on the point of land dispute, resorted to assault. The allegation is against Md. Tasgir of giving iron rod blow to Md. Salauddin causing fracture in the hand. When the family members came to rescue, Md. Kudus and Md. Sahadat gave iron rod blow to the female inmates



causing injuries on their respective heads. They also destroyed the household properties, as the villagers assembled, they escaped. The injured were taken to Primary Health Center, Chhaurahi whereafter shifted to Sadar Hospital, Begusarai. This led to the FIR.

4. Learned counsel for the petitioners submit that admittedly, specific allegation of assault is against Md. Kudus and Md. Sahadat. Though, they are part of the FIR, no role has been assigned, further, they have no criminal antecedent. Against the two petitioners, final form was submitted but only the year, 2024, cognizance was taken which delayed coming to the Court.

5. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer stating that they were also part of the assembly which injured the informant.

6. Considering the submissions of the parties specially the fact that the roles have been assigned to the aforesaid accused, these two petitioners have no criminal antecedent, earlier final form was submitted against them, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event



of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Khodawandpur P.S. Case No. 277 of 2022 to the satisfaction of learned Sub-Divisional Judicial Magistrate, Manjhaul, Begusarai subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioner no.2, Md. Niyaj @ Niyaj Alam @ Md. Neyaj (except petitioner no.1, Najmun Khatun @ Najmun Nisha) shall appear before the concerned police station every fortnight for next six months to mark their attendance;



(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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