

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38456 of 2025

Arising Out of PS. Case No.-326 Year-2024 Thana- MURLIGANJ District- Madhepura

1. Md. Samim son of Late Md. Jannat village- Bhatkhora, Sobarsha tola, Ward no. 07, Ps- Murliganj, Dist- Madhepura
2. Md. Khalid Son of Md. Samim village- Bhatkhora, Sobarsha tola, Ward no. 07, Ps- Murliganj, Dist- Madhepura
3. Md. Shamshad @ Shamshad Son of Md. Salauddin village- Bhatkhora, Sobarsha tola, Ward no. 07, Ps- Murliganj, Dist- Madhepura
4. Md. Salauddin Son of Md. Idrish village- Bhatkhora, Sobarsha tola, Ward no. 07, Ps- Murliganj, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.
For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-06-2025 Heard Mr. Uday Chand Prasad, learned counsel for
the petitioner and the State.

2. The petitioners apprehend their arrest in connection with Murliganj P.S. Case No. 326 of 2024 for the offence registered under sections 126(2), 118(1), 109, 352, 351(2), 351(3), 3(5) of BNS, 2023 lodged on 09.07.2024 by the informant, Md. Sabbir.

3. As per the prosecution story, the informant alleged that the accused earlier wanted him to withdraw the case and upon refusal, the allegation is that all the accused persons



surrounded and specific allegation is against Md. Khalid (petitioner no. 2) of assaulting on the head causing injury. Md. Samim outraged the modesty of his wife. This led to the FIR.

4. Learned counsel for the petitioner submits that there is a case and counter case, injury is on both sides and so far as the grievous injury to Md. Samim is concerned, it is attributed to petitioner no. 2 (Md. Khalid).

5. Learned APP opposes the prayer submitting that all of them surrounded and thereafter, allegation of assault specific is on Md. Khalid, though others have also assaulted.

6. Considering the submissions of the parties and the specific allegation is against Md. Khalid where allegation has been found to be grievous in nature, the anticipatory bail application stands rejected.

7. So far as the petitioner no. 1, 3 and 4 namely, Md. Samim, Md. Shamshad and Md. Salauddin respectively are concerned, the omnibus allegation of surrounding and assault is/are there, main allegation is against Md. Khalid whose relief has been denied, in that background, this Court is inclined to grant them the anticipatory bail with conditions.

7. Let the petitioner nos. 1, 3 and 4 (Md. Samim, Md. Shamshad and Md. Salauddin) in the event of arrest or surrender



within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Madhepura in connection with Murliganj P.S. Case No. 326 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner nos. 1, 3 and 4 (Md. Samim, Md. Shamshad and Md. Salauddin), who shall provide official document to show his *bona fide*;

(ii) the petitioner nos. 1, 3 and 4 (Md. Samim, Md. Shamshad and Md. Salauddin) 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 his bail bond by the Trial court itself;

(iii) the petitioner nos. 1, 3 and 4 (Md. Samim, Md. Shamshad and Md. Salauddin) shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner nos. 1, 3 and 4 (Md. Samim, Md. Shamshad and Md. Salauddin) 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;

(v) the petitioner nos. 1, 3 and 4 (Md. Samim, Md.
Shamshad and Md. Salauddin) shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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