

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37986 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- HUSSAINGANJ District- Siwan

1. Mustkim Pawadiya S/o- Taiyab Ali Resident of vill- Aranada PS- MH Nagar Dist- Siwan
2. Chhakoudi Pawadiya S/o- Salamat Pawadiya Resident of vill- Aranada PS- MH Nagar Dist- Siwan
3. Akil Pawadiya @ Ankil Pawadiya @ Wakil S/o- Salamat Pawadiya Resident of vill- Aranada PS- MH Nagar Dist- Siwan
4. Afsar Ali S/o- Safdar Ali Resident of vill- Aranada PS- MH Nagar Dist- Siwan
5. Najma @ Najma Pawadiya W/o- Dulan Pawadiya Resident of vill- Aranada PS- MH Nagar Dist- Siwan
6. Tajbun Nisha W/o- Akil Pawadiya Resident of vill- Aranada PS- MH Nagar Dist- Siwan
7. Jaibun Pawadiya W/o- Chhakouri Pawadiya Resident of vill- Aranada PS- MH Nagar Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam
For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-06-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State as well as learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 126(2), 115(2), 118, 109(1), 352, 351(2), 3(5) of the B.N.S.S.
3. Learned counsel for the petitioners submits that



petitioners are persons with clean antecedent and petitioner no.5, 6 and 7 are women and the informant alleges that on 07.03.2025 at around 7.00 A.M. he asked his nephew to go and stop people from digging a ditch on their land, accordingly, the nephew of the informant went to the place of occurrence when the accused persons tried to assault him, thereafter Akhlakh held the informant from behind while Akil stabbed him causing injury on his forehead.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the FIR does not allege that the accused persons assaulted the nephew of the informant rather it is alleged that Akhlakh held the informant from behind and Akil assaulted him by knife causing injury on forehead. It is further submitted that the injury report does not corroborate the allegation of assault by knife as the injury has been opined to be simple caused by hard and blunt substance. It is further submitted that the injury suffered by the nephew of the informant on rib is opined to be grievous but then the allegation of assault is neither specific nor with clarity the informant alleges that the accused persons assaulted his nephew. It is also



submitted that petitioners are not criminals.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners but are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that allegation of assault is not specific nor is alleged with clarity.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court where the case is pending/successor court in connection with Hussainganj P.S. Case No.75/2025, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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