

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39654 of 2025

Arising Out of PS. Case No.-291 Year-2024 Thana- THawe District- Gopalganj

1. Kazim Miya @ Kazin Miya Son of Late Sahebjan Village-Hardiya PS- Thawe District- Gopalganj
2. Moghal Khatoon @ Mogal Khatoon @ Mangol Katoon Wife of Kazim Miya @ Kazin Miya Village-Hardiya PS- Thawe District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mrs. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 15-10-2025 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Thawe P.S. Case No. 291/2024 registered for the offences punishable under Sections 126(2), 115(2), 117, 109, 351, 3(5) of the B.N.S.

3. As per prosecution case, petitioners and others are said to have assaulted the informant by means of lathi-danda and iron rod as a result of which the informant sustained injury. It is alleged that co-accused Chand Ali assaulted the informant's son by means of sword as a result of which the informant's son sustained head injury.



4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case due to dirty village politics. The petitioners bear no criminal antecedent. No incriminating articles has been recovered from the conscious possession of the petitioners. He further submits that there is inordinate delay of five days in lodging the FIR as occurrence took place on 20.10.2024 and FIR has been lodged on 25.10.2024 and no plausible explanation has been given regarding the said delay. He further submits that both parties are co-villagers and there is no specific allegation against the petitioners rather the allegations are general and omnibus in nature. He further submits that there is specific allegation against co-accused Chand Ali who assaulted the informant's son by means of sword upon the head and the injury sustained by the informant's son is simple in nature caused by hard and blunt substance as is evident from injury report. In the light of the aforesaid submission, no case is made out against the petitioners under the aforesaid sections.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners and submitted that petitioners and others are said to have assaulted the informant



by means of lathi-danda and iron rod and hence, the petitioners do not deserve bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, there is no specific allegation of assault against the 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Thawe P.S. Case No. 291/2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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