

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41044 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- Telta District- Katihar

1. HASIBUL RAHMAN @ MD. HASIBUL S/O LATE MD. FARUKH R/O VILLAGE-LOHAGARA, P.S. TELTA, DISTRICT- KATIHAR
2. MD. AAMIR @ MD. AMIR ALAM S/O HASIBUL RAHMAN R/O VILLAGE-LOHAGARA, P.S. TELTA, DISTRICT- KATIHAR
3. HAMZA ALI S/O LATE MD. MEGHU R/O VILLAGE-LOHAGARA, P.S. TELTA, DISTRICT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Adv.
		Mr. Mazher Alam, Adv.
For the Opposite Party/s	:	Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 03-09-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Telta P.S. Case No. 19 of 2025 for the offence under sections 126(2), 115(2), 352, 351(3), 3(5) of the BNS lodged on 11.04.2025 by the informant.

3. Prosecution case in brief is that on 08-04-2025, the co-accused, Matiur Rahman, Hasibul Rahman (petitioner), Hamja Ali (petitioner) along with one Md. Sadab were uprooting the *Taati* fixed by informant and when informant objected to the same, all the four assaulted him and his nephew by *lathi danda* and they were also joined by other four accused persons namely Md. Aamir, Md. Aakib and Md. Anish. During the scuffle, Md. Sadab caught hold of his nephew Mukaram and Matiur Rahman assaulted his nephew by iron rod on his head inflicting injury. On the arrival of the villagers, the accused persons fled away. The victims were treated at Telta Hospital. Accordingly, the FIR.



4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to land dispute between the parties and they have not committed any offence as alleged. It has next been submitted that the said incident has taken place on 08.04.2025 whereas the FIR has been lodged on 11.04.2025 after delay of three days and there is no plausible reason for such delay. It has further been submitted that from the FIR itself, it would be evident that the specific allegation of assault upon the informant's nephew by means of iron rod is against co-accused, Matiur Rahman who is not the petitioner here. The allegation against these petitioners are general and omnibus in nature.

5. On the other hand, learned APP vehemently opposes the prayer for anticipatory bail of the petitioners submitting that the nephew of the informant has received grievous injury but it is clear from the FIR that the said injury has been inflicted by co-accused, Matiur Rahman and not by these petitioners.

6. Considering the aforesaid submissions of the parties and the fact that there is general and omnibus allegation against these petitioners rather specific allegation of assault by means of iron rod is against co-accused, Matiur Rahman and the petitioners have got no criminal antecedents, this Court is inclined to extend them the privilege of anticipatory bail.



7. Let all the petitioners, above named, be released on bail, in the event of arrest or surrender 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 like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Katihar in connection with aforesaid PS Case, subject to the conditions as laid down Section 482(2) of the BNSS, 2023 as well as the following conditions:-

(i) one of the bailors should be the family member/relative 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 his bail bond by the Trial Court itself;

(iii) the petitioner 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;

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

(Ajit Kumar, J)

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