

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39795 of 2025

Arising Out of PS. Case No.-389 Year-2024 Thana- POTHIIYA District- Kishanganj

Mufassir Alam @ Mufasir S/O Mustejab Alam R/O Village-Piyakuri, PS-Pothia, district- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 10-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Pothia P.S. Case No. 389 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 118(2), 109(1), 303(2), 3(5) of the B.N.S.

3. As per prosecution case, petitioner and others with intention to kill her husband entered into the house of the informant and caught hold of the informant and her husband and co-accused Tauqi Sarwar assaulted upon the head of the informant by means of a sharp cutting weapon due to which she sustained injury. When husband of the informant came for rescue, Mudassir, Mufassir (petitioner) and Mujaddid assaulted him one after another by means of iron rod as a result of which he sustained injuries. It is further alleged that co-accused Mujaddid took away cash of Rs. 1,50,000/- and gold ornaments



worth Rs. 3,70,000/-.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report and he has been falsely implicated in this case. There is no specific allegation levelled against the petitioner, rather the allegations are general and omnibus in nature. The allegation against the petitioner is of assaulting informant's husband by means of iron rod, but the injury report (Annexure-2) indicates the nature of injury as simple caused by sharp cutting weapon. Hence, the allegation levelled against the petitioner in the first information report is completely inconsistent with the injury report of the informant's husband. There is no allegation of repetition of blow against the petitioner, and hence, no offence under section 307 I.P.C. is made out against the petitioner. It is further submitted that co-accused Tauqi Sarwar and informant's husband are own brothers and due to well wishers the matter has been compromised between the parties, as is evident from the Compromise Petition contained in Annexure-3. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State vehemently



opposes the prayer for anticipatory bail of the petitioner and submits that petitioner has participated in the alleged occurrence and he cannot escape from the liability of the allegations levelled in the first information report.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, there is no specific allegation against the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner, above named, in the event of arrest or surrender 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 Additional Chief Judicial Magistrate III, Kishanganj in connection with Pothia P.S. Case No. 389 of 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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