

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39141 of 2025

Arising Out of PS. Case No.-88 Year-2022 Thana- BISHANPUR District- Darbhanga

1. Md. Nijamuddin @ Nawab @ Md. Nijamuddin Nawab @ Md. Nijamuddin Shoaib Son of Late Shoaib Ahmad @ Late Md. Shoaib Ahmad Resident of Village- Dharnipatti, PS- Bahadurpur, District- Darbhanga
2. Md. Safayat Ali @ Mintu @ Safaat Ali Son of Late Shoaib Ahmad @ Late Md. Shoaib Ahmad Resident of Village- Dharnipatti, PS- Bahadurpur, District- Darbhanga
3. Md. Nafis Ahmad @ Tinchu @ Nafis Ahmad Son of Late Shoaib Ahmad @ Late Md. Shoaib Ahmad Resident of Village- Dharnipatti, PS- Bahadurpur, District- Darbhanga
4. Md. Umar @ chhotu @ Md. Umar Sharif Son of Late Shoaib Ahmad @ Late Md. Shoaib Ahmad Resident of Village- Dharnipatti, PS- Bahadurpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saurav Anand, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar Singh, APP
For the Informant	:	Mr. Hafiz Shahbaz Arif, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. At the very outset, learned counsel for the petitioners prays for withdrawal of this anticipatory bail application on behalf of petitioner no.4 as he has been arrested.

3. Permission is accorded.

4. Accordingly, this application is dismissed as withdrawn on behalf of petitioner no.4.



5. Now, this application survives only for petitioner nos.1 to 3.

6. Petitioner nos.1 to 3 apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 379, 427, 354 (A) and 504 of the Indian Penal Code but, later on, Section 307 of the Indian Penal Code has been added.

7. The allegation in the first information report is that the accused persons named in the F.I.R. came variously armed and assaulted the informant and her family members.

8. It is submitted by learned counsel for the petitioners that it would be apparent from the first information report itself that there is specific allegation of assault upon head of the son of the informant upon Md. Sarfaraz, who is not the petitioner herein. So far as petitioner nos.1 to 3 are concerned, out of them, there is specific allegation of assault only against petitioner no.1 of having assaulted by means of iron rod causing fracture. The nature of injury no doubt is grievous but it is on non-vital part of the body. Further, 11 persons in total have been named in the F.I.R. and there is case and counter case. Annexure-P/2 is lodged by Nasima Khatoon, mother of the petitioners. Further, the present F.I.R. was



initially not lodged under Section 307 IPC but, however, subsequently, on submission of chargesheet cognizance has been taken under Section 307 IPC. Both the parties are agnates and there is *inter se* litigation.

9. Learned APP for the State and learned counsel for the informant opposed the prayer for bail.

10. Taking into consideration the facts and circumstances of the case, let the above named petitioner nos.1 to 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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 lower Court where the case is pending/successor Court in connection with Bishanpur P.S. Case No.88 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C/482(2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

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