

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44038 of 2025

Arising Out of PS. Case No.-78 Year-2024 Thana- PAHARKATTA District- Kishanganj

Najrul S/O Md. Ishuf @ Yusuf Resident of Village- Fulhara, ward No- 3, PS-
Paharkatta, Distt-Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv.

For the State : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 11-07-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 109(1), 115(2), 117(2), 118(1), 126(2), 190, 191(2), 191(3), 351(2), 352 of the B.N.S., 2023.

3. The allegation in the FIR is that altogether 34 named accused persons were illegally ploughing the land of the informant and upon protest raised by the brother of the informant, co-accused Hakimuddin ordered to assault and kill whereupon co-accused Anwar assaulted Roshan Ali by means of axe on his head and others also assaulted his brother.

4. Learned counsel for the petitioner submits that from a bare perusal of the FIR, it would be apparent that the



specific allegation of assault is upon co-accused Anwar and the allegation of being order-giver is upon one Hakimuddin. So far as the present petitioner is concerned, he is said to be a member of the mob and there is general and omnibus allegation against him. It is further submitted that there is a bona fide land dispute between the parties and there is an inordinate delay in lodging of the FIR. It is also pointed out that similarly situated co-accused persons have already been granted the privilege of anticipatory bail vide order dated 27.03.2025 passed in Cr. Misc. No. 79810 of 2024 and other analogous cases and this petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and also that the petitioner has no criminal antecedent, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) 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 Paharkatta P.S.



Case No. 78 of 2024, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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