

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43385 of 2025

Arising Out of PS. Case No.-146 Year-2024 Thana- SARAIYA District- Muzaffarpur

1. Hafij Mahbub @ Mahbub Alam @ Hafij Mahbub Alam Son of Md. Ismail @ Ismail Miya Resident of village- Basantpurpatti, P.S. - Saraiya, District - Muzaffarpur.
2. Faiyaj Ahmad son of Hafij Mahbub @ Mahbub Alam Resident of village- Basantpurpatti, P.S. - Saraiya, District - Muzaffarpur.
3. Faijaan Ahmad son of Hafij Mahbub @ Mahbub Alam Resident of village- Basantpurpatti, P.S.- Saraiya, District - Muzaffarpur.
4. Maihrun Nisha @ Mairun Nisha @ Mehru Nisha wife of Hafij Mahbub @ Mahbub Alam Resident of village- Basantpurpatti, P.S.- Saraiya, District - Muzaffarpur.
5. Sahebjaan Miya @ Sahebjaan Rae son of Late Ismaiel Miya Resident of village- Basantpurpatti, P.S.- Saraiya, District - Muzaffarpur.
6. Md. Eshtehaar @ Eshtehaar Miya @ Md. Eshtekhaar @ Eshtekhaar Miya Son of Sahebjaan Miya @ Md. Sahebjaan Resident of village- Basantpurpatti, P.S.- Saraiya, District - Muzaffarpur.
7. Afsana Khatun Wife of Md. Eshtehaar @ Eshtehaar Miya @ Estekhar Miya @ Md. Estekhar @ Md. Estekhar Miya Resident of village- Basantpurpatti, P.S.- Saraiya, District - Muzaffarpur.
8. Jahida Khatun @ Jahida Begum Wife of Ohid @ MD. Ohid @ Md. Wahid Resident of village- Basantpurpatti, P.S.- Saraiya, District - Muzaffarpur.
9. Md. Imraan son of Ohid @ MD. Ohid @ Md. Wahid Resident of village- Basantpurpatti, P.S.- Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 15-10-2025 Heard the learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Saraiya P.S. Case No. 146 of 2024 for the



offences punishable under Sections 307, 447, 341, 323, 324, 379, 354B, 427, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that altogether ten persons have been made accused in the present case. It is submitted that there are only general and omnibus allegations against all the accused persons for having assaulted the labourers employed by the informant. Learned counsel further submits that although it has been alleged that the accused persons assaulted the labourers with lathi and danda, causing injuries on their heads and also snatched the ornaments of the informant's wife besides abusing her, the injury report does not corroborate the allegations levelled against the petitioners. It is further submitted that the injury sustained by the labourer employed by the informant, namely Vinod Sahni, has been found to be simple in nature. It is also pointed out that one of the co-accused, against whom similar allegations have been made, has already been granted regular bail by a coordinate Bench of this Court. Petitioner nos. 1 to 4 and 6 to 8 have antecedent of one criminal case and are on bail, while petitioner nos. 5 and 9 have no criminal antecedent.

4. On the other hand, learned APP for the State and learned counsel for the informant who has appeared suo



motu vehemently oppose the prayer for anticipatory bail of the petitioners. Learned counsel for the informant submits that the petitioners had used force against the labourers employed by the informant and assaulted them with hard and blunt substances; however, he was not in a position to dispute the opinion of the doctor that the injuries found on the informant side are simple in nature.

6. Considering that the allegations are general and omnibus in nature and one of the co-accused, against whom similar allegations have been made, has already been granted regular bail by a coordinate Bench of this Court, this Court finds it a fit case for consideration of anticipatory bail.

7. Let 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 Additional Chief Judicial Magistrate-IV, West Muzaffarpur in connection with Saraiya P.S. Case No. 146 of 2024 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 their 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 their bail bond by the Trial Court itself;

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

(Ajit Kumar, J)

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