

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42333 of 2025

Arising Out of PS. Case No.-147 Year-2025 Thana- JOKIHAT District- Araria

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1. Md. Nahid Alam @ Nahid @ Nahid Alam S/O Habib R/O Village-Khutti Kharaiya, ward no. 5, PS-Jokihat, Distt-Araria
 2. Aashique Alam @ Aashique S/O Habib R/O Village-Khutti Kharaiya, ward no. 5, PS-Jokihat, Distt-Araria
 3. Izhar S/O Habib R/O Village-Khutti Kharaiya, ward no. 5, PS-Jokihat, Distt-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners are apprehending arrest in connection with Jokihat P.S. Case No. 147 of 2025 lodged on 09.05.2025, for the offence punishable under Sections 126(2), 115(2), 109, 303(2), 76, 352, 351(3) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 pending in the Court of Chief Judicial Magistrate, Araria.

3. As per the prosecution, FIR has been lodged against seven named accused persons including the present petitioners.



It has been alleged in the FIR that when the land measurement was being carried out by Government Amin, then the named accused in the FIR assaulted the Government Amin and when the informant intervened, then accused Nahid on the orders of accused Habib, hit the informant on the head with a sharp object. The informant's wife and brother was also assaulted by the accused persons and thereafter, they stole some jewelry and cash.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that the petitioners have falsely been implicated in this case. Counsel also submits that for the same date and place of occurrence, there is a case and counter case i.e. one case has been lodged from the petitioners' side bearing Jokihat P.S. Case No. 148 of 2025 and the present case has been lodged from the informant's side bearing Jokihat P.S. Case No. 147 of 2025. Counsel further submits that the petitioners have one criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that there is specific allegation against the present petitioners. Counsel further submits that the petitioners have one criminal antecedent.



6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is hereby rejected.

7. However, if petitioners surrenders before the Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on their surrender-cum-bail application on the same day, without being prejudice that the anticipatory bail of the petitioners has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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