

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43984 of 2025

Arising Out of PS. Case No.-956 Year-2024 Thana- MADHEPURA District- Madhepura

1. Salu @ Biwi Afsana Wife of Md. Rustam Rahi Resident of Madhepura Ward No. 12, Laheri Muhalla, Majid Chowk, P.S - Madhepura, District - Madhepura, Bihar -852113.
2. Md. Sahban @ Al Sahban Son of Md. Rustam Rahi Resident of Madhepura Ward No. 12, Laheri Muhalla, Majid Chowk, P.S - Madhepura, District - Madhepura, Bihar -852113.
3. Md. Saifi @ Al Saif Son of Md. Rustam Rahi Resident of Madhepura Ward No. 12, Laheri Muhalla, Majid Chowk, P.S - Madhepura, District - Madhepura, Bihar -852113.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anurag Saurav, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 18-07-2025 Heard Mr. Anurag Saurav, learned counsel for the petitioners and Mr. Sanjay Kumar Pandey, learned APP for the State.

2. Learned Counsel for the petitioner has submitted that the petitioner no. 2 namely, Md. Sahban @ Al Sahban has been arrested, as such, he seeks permission to withdraw his bail application.

3. Permission is accorded.

4. Accordingly, the present anticipatory bail application has been dismissed as withdrawn with respect to the petitioner no. 2 namely, Md. Sahban @ Al Sahban.

5. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in



connection with Madhepura P.S. Case No. 956 of 2024 instituted for the offence under Sections 115(2), 126(2), 303(2), 75, 118(1), 117(2), 351(2), 352 and 3(5) of the B.N.S.

6. The case of the prosecution is that the accused persons, including the petitioners are seven in number and they entered the house of the informant. It is alleged that Md. Rustam ordered to commit rape, and pursuant to this, Md. Sahban (petitioner no. 2), who was carrying a bottle of poison, spread the same into the eyes of the informant. Further allegation is that Md. Rustam and Md. Teni assaulted Chandni Pravin and the informant.

7. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. He also submits that there is no specific allegation against any of the petitioners. There is also a counter-version of this case. A land dispute has been going on between them for many years. He further submits that the injury report has also been annexed by the learned counsel for the petitioners, which is annexed as *Annexure-P/3*, which goes to show that only the daughter of the informant had received grievous injury, whereas others have received simple injury.



8. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioners and submits that petitioner no. 1 has criminal antecedent of three cases; petitioner no. 2 has criminal antecedent of one case, whereas the petitioner no. 3 has got no criminal antecedent.

9. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the **petitioner nos. 1 and 3** on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Madhepura P.S. Case No. 956 of 2024, they will be enlarged on 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 learned Chief Judicial Magistrate, Madehpura, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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