

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43790 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- MAINATAND District- West Champaran

1. Sheikh Kadir S/O Late Sheikh Isha Resident of village- Purainiya, P.s.- Mainatand, District- West Champaran
2. Sukat @ Abdul Ahmad S/O Late Sheikh Sabbir Resident of village- Purainiya, P.s.- Mainatand, District- West Champaran
3. Salma Khatoon W/O Sheikh Kadir Resident of village- Purainiya, P.s.- Mainatand, District- West Champaran
4. Kalamun Nesha @ Nahhaki W/O Sheikh Zakir Resident of village- Purainiya, P.s.- Mainatand, District- West Champaran
5. Sakina Khatoon W/O Sheikh Sufiyan Resident of village- Purainiya, P.s.- Mainatand, District- West Champaran
6. Bagar Sheikh S/O Sheikh Sabbir Resident of village- Purainiya, P.s.- Mainatand, District- West Champaran
7. Md. Bhagat @ Tuflehun S/O Sheikh Kadir Resident of village- Purainiya, P.s.- Mainatand, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharad Kumar Verma, Advocate
For the State	:	Mr. Kumar Ranjit Ranjan, APP
For the Informant	:	Mr. Sachida Nand Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

2. Learned counsel for the petitioners submits that during the pendency of the bail application, petitioner No. 6 has been arrested, as such, he seeks to withdraw the bail application insofar as it relates to petitioner No. 6.



3. Permission, as prayed for, is granted.

4. Accordingly, the bail application, insofar as it pertains to petitioner No. 6, is dismissed as withdrawn.

5. The petitioner Nos. 1, 2, 3, 4, 5 & 7 are apprehending arrest in connection with Mainatand P.S. Case No. 75 of 2025, dated 04.04.2025, lodged under Section 115(2), 117(2), 118, 126(2), 74, 109(1), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

6. As per the prosecution, FIR has been lodged against 16 named accused persons, including the present petitioners, alleging that the accused persons assaulted the informant's husband. There is a specific allegation against the accused persons, namely Sheikh Zakir, Teyajuddin Sheikh, and Hasan Taz, while against the rest of the accused persons, there is a general and omnibus allegation.

7. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that there are no specific allegations, rather, the allegations are general and omnibus in nature. It is also submitted that those accused persons against whom there are specific allegations have not moved before this Court for anticipatory bail in the present application.



8. Learned counsel for the informant, who appeared suo motu, vehemently opposes the prayer for bail and submits that, from the injury report, it transpires that a fracture has been caused, injury Nos. 1 and 2 are grievous in nature and also pose a danger to life.

9. Learned APP for the State opposes the prayer for bail of the petitioners and submits that four injuries were caused to the informant's husband and three injuries to the informant's daughter. Counsel further submits that there are seven petitioners in this case, against petitioner Nos. 1, 3, and 7, one criminal case is pending, whereas petitioner Nos. 2, 4, and 5 have clean antecedents.

10. As such, in the present facts and circumstances of the case, let petitioner Nos. 2, 4, and 5 namely, Sukat @ Abdul Ahmad, Kalamun Nesha @ Nahhaki, and Sakina Khatoon be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Judicial Magistrate, 1st Class, Bettiah, West Champaran, in connection with Mainatand P.S. Case No. 75 of 2025, subject to the conditions as laid down U/s 482(2) of the



BNSS, 2023.

11. So far as the bail application of petitioner Nos. 1, 3, and 7, namely, Sheikh Kadir, Salma Khatoon, and Md. Bhagat @ Tuflehun, is concerned, this Court is not inclined to grant bail to them, accordingly, their bail application is hereby rejected.

(Dr. Anshuman, J.)

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