

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45693 of 2025

Arising Out of PS. Case No.-74 Year-2025 Thana- MAHALGAON District- Araria

1. Md Soyeb Alam @ Md Shoyeb Alam S/O Late Gohar Alam Resident of Village- Chainpur Ward No. 4, P.S.- Mahalgown, District- Araria.
2. Md Furkan @ Abu Furkan S/O Md Shoyeb Alam @ Md Soyeb Alam Resident of Village- Chainpur Ward No. 4, P.S.- Mahalgown, District- Araria.
3. Md Akbar @ Akbar S/O Late SK Masleluddin R/O Village- Gehunwa, P.S- Jalalgarh, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nadimul Hasan, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 04-08-2025 Heard Mr. Nadimul Hasan learned counsel for the petitioners and Mr. Suresh Prasad Singh, learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Mahalgown P.S. Case No. 74 of 2025 instituted for the offence under Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 303(2), 74, 352, 351(2) of Bhartiya Nyaya Sanhita.

3. The case of the prosecution is that the petitioners were constructing house on the ancestral land without any measurement, the informant objected and told them to get the



measurement done. It is alleged that the petitioners being armed with weapon started assaulting. Md. Furkan started with iron rod on the head of the informant due to which the informant got head injuries after this, Jubaida and aunt Ashia came to rescue. It is alleged that Md. Soyeb Alam assaulted with *kudal* on the head of Ashia due to which she received head injuries.

4. 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. It is further submitted by learned counsel for the petitioners that there is also a counter version of this case and from perusal of the injury report of Ashia, it will transpire that she has received one lacerated wound regarding which, the opinion was reserved.

5. In contra, learned APP appearing for the State has vehemently opposed the prayer of bail of the petitioners and submitted that there is direct allegation against Md. Soyeb that he has assaulted with *kudal* to Ashia resulting head injuries.

6. As such, I am not inclined to grant anticipatory bail to petitioner no. 1, namely, Md Soyeb Alam. Hence, his prayer for anticipatory bail stands rejected.

7. As far as other petitioners are concerned, since the



nature of allegation is general and omnibus against them, **I am inclined to enlarge the petitioner no. 2, namely, Md. Furkan and petitioner no. 3, namely, Md. Akbar 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 Mahalgown P.S. Case No. 74 of 2025, 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 C.J.M., Purnea subject to the conditions as laid down under section 482(2) of B.N.S.S.

8. The petitioner no. 1, namely, Md. Soyeb Alam is directed to surrender in the learned trial court within four weeks’ and trial court will dispose of his prayer for bail on its own merit preferably on same day.

(Ashok Kumar Pandey, J)

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