

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44562 of 2025

Arising Out of PS. Case No.-43 Year-2025 Thana- NAUHATTA District- Saharsa

1. Md. Izahar @ Izahar Alam Son of Late Md. Jitan Resident of Village - Purshottampur, P.S.- Nauhatta, District - Saharsa
2. Md. Harun Son of Izahar Alam @ Md. Izahar Resident of Village - Purshottampur, P.S.- Nauhatta, District - Saharsa
3. Md. Halim Son of Md. Jitan Resident of Village - Purshottampur, P.S.- Nauhatta, District - Saharsa
4. Md. Irafan Son of Md. Izahar Alam Resident of Village - Purshottampur, P.S.- Nauhatta, District - Saharsa
5. Raushan Khatun Wife of Md. Halim Resident of Village - Purshottampur, P.S.- Nauhatta, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 17-10-2025 Learned counsel for the petitioner submits that during the pendency of the petition, petitioner no. 1, Md. Izahar @Izahar Alam has been arrested and as such, permission be granted to withdraw his case.

2. Accordingly, so far as the petitioner no. 1, Md. Izahar @Izahar Alam is concerned, the anticipatory bail application stands rejected.

3. Heard Mr. Chandra Mohan Jha, learned Counsel for the petitioners and learned APP for the State.



4. The petitioners apprehend their arrest in connection with Nauhata P.S. Case No. 43 of 2025 for the offence registered under sections 126(2), 115, 109, 308(2), 303(2), 76, 352, 351(2) of the BNS lodged on 14.03.2025 by the informant Khairon Nisha.

5. As per the prosecution story, the informant alleged that on the issue of payment of extortion, allegation is that Izahar Alam knocked her down on the floor, tried to outrage her modesty and put a towel around her neck. Further, when the husband came to rescue, the allegation is that Subhash Mukhiya assaulted him by *farsa* causing injury. Against Md. Irafan (petitioner no. 4), allegation is of taking away some amount. The husband was rushed to the Primary Health Centre which followed the FIR.

4. Learned Counsel for the petitioners submit that a perusal of the FIR would show that allegation mainly is against Subhash Mukhiya and Izahar Alam, the petitioner no. 1 (Md. Izahar) already stands arrested. So far as the other accused persons are there, only allegation is there, no role has been attributed save and except against Md. Irafan that he took away some money. The submission is that prior to the present case, FIR was also lodged against the informant's side.



5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that all of them resorted to the assault and demanded extortion.

6. Considering the submissions of the parties as also the materials on record, main allegation is against Subhash Mukhiya and Izahar Alam, they are not before this Court, one of the petitioner, Irafan has allegation of taking of the money. FIR is there, they shall be facing the music, in that background, this Court is inclined to grant them the anticipatory bail with conditions.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Saharsa in connection with Nauhata P.S. Case No. 43 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show his *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 his 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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

U		T	
---	--	---	--

