

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44518 of 2025

Arising Out of PS. Case No.-117 Year-2024 Thana- RUPAULI District- Purnia

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1. Md. Hafiz @ Mister S/o- Late Md. Mubarak @ Md. Mubarak Hussain;
 2. Md. Aurangzaib S/o- Late Md. Mubarak @ Md. Mubarak Hussain;
 3. Abdur Rehman @ Abdul Rehman S/o- Late Md. Mubarak @ Md. Mubarak Hussain;
 4. Mehzabi Khatoon @ Mahjabi W/o- Late Md. Mubarak @ Md. Mubarak Hussain;
- All are R/o Village- Bela Prasadi, Ward No.-2, P.S.- Rupauli Distt- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Tamanna Khatoon, W/o- Md. Maniruddin, R/o Village- Bela Prasadi, P.S.- Rupauli, Distt- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Amit Kumar Anand, Advocate Ms. Bharti Kumari, Advocate
For the State	:	Md. Mushtaque Alam, Addl. P.P.
For the O.P. No. 2	:	Mr. Vikram Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 16-12-2025 Heard the learned counsel for the parties.

2. The petitioners are apprehending their arrest in connection with Rupauli P.S. Case No. 117 of 2024 registered for the offences under Sections 126(2), 115(2), 118(2), 75, 303(2), 352, 351 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).

3. As per the prosecution case, the informant has



alleged that on 30.07.2024, Md. Hafiz (petitioner No. 1) had assaulted on her head causing injury and thereafter, again, on 14.08.2024, the named accused persons including the petitioners have assaulted the informant on the same injury upon her head and thereafter they threatened her of dire consequences.

4. The learned Senior Advocate appearing on behalf of the petitioners submit that they have falsely been implicated in a false and concocted case and no such incident as alleged took place on 14.08.2024. It has been submitted that from perusal of the injury report, it would be evident that the injury found on the informant was an old lacerated wound over the frontal bone which was found to be grievous in nature. However, the learned Senior Advocate submits that the injuries were not caused on 14.08.2024 and contrary to the assertion that several people had assaulted, no such injuries were found on the body of the informant.

5. The learned Senior Advocate further submits that a compromise petition has been brought on record by way of supplementary affidavit, wherein the parties have entered into a compromise on 05.08.2025 and a petition to such effect has been filed before the learned Court of Additional Chief Judicial Magistrate-II, Purnea.



6. It has lastly been submitted that the petitioners have clean antecedents.

7. The learned counsel appearing on behalf of the informant/opposite party No. 2 does not dispute the factum of compromise entered into between the parties.

8. The learned Addl. Public Prosecutor for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

9. Considering the facts and circumstances of the case and taking into account that the injury found on the informant was of a prior date and admittedly it has been referred to as an old wound, let the petitioners, above-named, be released on anticipatory bail, in the event of their arrest or surrender before the concerned Court/successor Court within a period of four weeks from today, on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court/successor Court where the case is pending in connection with Rupauli P.S. Case No. 117 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023



(B.N.S.S.) as well as subject to the following conditions :

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present before the concerned Court/successor Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail-bonds of the petitioners will be liable to be cancelled by the concerned Court/successor Court.

(iv) If the petitioners, in future, are found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of their bail-bonds.

(v) The concerned Court/successor Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that they have concealed their criminal antecedent, the Court concerned shall take necessary steps for cancellation of their bail-bonds. However, the acceptance of bail-bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

11. The application stands allowed.

(Sourendra Pandey, J)

Praveen-II/-

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