

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45262 of 2025

Arising Out of PS. Case No.-113 Year-2025 Thana- JOKIHAT District- Araria

Salik @ Md. Salik Alam @ Md. Salik S/o Md. Shahbaj Alam @ Shahbaj R/o
Village- Kashibadi Ward No. 08, Panchayat- Simariya, P.S.- Jokihat, District-
Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Ziaul Quamar, Advocate

For the Opposite Party/s : Mrs. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 15-10-2025 Heard Mr. Md Ziaul Quamar, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Jokihat P.S. Case No. 113 of 2025 for the offence punishable under Sections 126(2), 115(2), 109, 76, 303(2), 352, 351(3) 3(5) of the BNS lodged on 24.03.2025 by the informant.

3. The prosecution story, as per FIR in brief, is that the informant has alleged that on 22.03.2025, her mother-in-law, sister-in-law as well as her husband (petitioner herein) abused and assaulted her. It is further alleged that when she informed her parents about this incident, her parents along with other family members came to see her on 24.03.2025 and as soon as they came, informant's mother-in-law Ishrati ordered the petitioner to kill them. This petitioner started abusing and assaulting the informant's



parents and her family members. Informant's sister-in-law, Jamuni handed over *Dabiya* to the petitioner and he assaulted the informant's mother Sabera by means of *Dabiya* with an intention to kill her which caused her serious injury. It is further alleged that the accused persons also took her jewellery. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and the petitioner has not committed any offence as alleged in the FIR. Learned counsel for the petitioner submits that from the FIR itself, it is evident that this is altogether a family dispute and there is also a counter version of the entire story according to which the petitioners side is said to have lodged an FIR bearing Jokihat PS Case No. 114 of 2025 on 25.03.2025 against the informant and others under the same sections alleging therein that the informant and her family members abused, assaulted and outraged the modesty of the family members of the petitioner. Further, learned counsel for the petitioner submits that the allegation against the petitioner is that he assaulted the mother of the informant, Savera with *Dabia* upon her fore-head and on her fore-arm due to which she received sharp cut injury which has not been opined as grievous injuries. Two other persons, namely, Nabshum and Sanobar are said to have received injuries made by hard and blunt substance and the nature of injuries are said to be simple in nature.



5. On the other hand, learned APP vehemently opposes the prayer for anticipatory bail of the petitioner submitting that the petitioner is the main assailant of informant's mother inflicting injuries upon her fore-arm and fore-head.

6. Considering the aforesaid submissions of the parties and the fact that there is a case and counter case between the parties, the nature of injuries which are alleged to have been inflicted by this petitioner, as detailed in the injury report, it is not in clear terms as to whether it is grievous or simple in nature and both sides have received injuries, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail, in the event of arrest or surrender within a period of four weeks, from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 petitioner 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

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Ajit Kumar, J)

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