

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47593 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- BARAUNI District- Begusarai

Md. Ashif Hussain @ Md. Ashif @ Md. Ashif Husain @ Md. Asif Hussain
S/o Md. Sahadat Hussain @ Sahadat Hussain @ Md. Sahadat R/o Village-
Papraur, Ward No 8, Near Jama Masjid, P.S.- Barauni, District- Begusari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-07-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 126(2),
115(2), 109, 352, 351(2), 117(2), 118(1), 303(2) and 3(5) of
BNS, 2023.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that on account of dispute relating to flowing of dirty
water, the petitioner assaulted him by *Kudal* causing injury on
head, while Md. Saddam assaulted his son Aftab by an iron rod
causing injury on neck and back, thereafter, Kimmi, Kasaf,
Ayesha and Tabassum assaulted his daughter by *Kudal* on



account of which her tooth broke and Kimmi took Rs. 1.5 Lakhs. And other accused persons took away ornaments.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case. It is next submitted that no doubt in the FIR, it is alleged that petitioner assaulted the informant causing injury on head which has been opined to be grievous, but then it is submitted that since petitioner is the only earning member of his family and is working in Mumbai, as such, he came to be implicated with a view to coerce the entire family members into submission, when during the course of investigation, the witnesses including the other injured have not stated that it was petitioner who assaulted the informant by *Kudal* causing injury on head. It is next submitted that petitioner after completing his matriculation from ICSE in the year 2016, completed the course of Safety First Aid Disaster Management from Rabiya Technical Institute and Placements Council and thereafter got a job in Mumbai, it is thus submitted that since petitioner is working in Mumbai hence he came to be implicated.

5. The learned counsel for the petitioner next by placing reliance at Paras-13 and 14 of the case diary submits that the same records the statement of Sadiya Praveen (injured-



and Aftab (injured) respectively. It is next submitted that from the statement of Sadiya Praveen and Aftab, it cannot be culled out that it was petitioner who assaulted the informant rather they have stated that informant was assaulted by the accused persons causing two injuries on head. It is also submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Barauni P.S. Case No. 26 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite



giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

9. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

Rishabh/-

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

