

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47173 of 2025

Arising Out of PS. Case No.-53 Year-2025 Thana- Madhusudanpur District- Bhagalpur

1. Md. Jibarai @ Jibrail S/o Late Jhakho R/o Vill- Bhathoriya, P.S.- Madhusudanpur, Distt- Bhagalpur
2. Md. Sibrail S/o Late Jhakho R/o Vill- Bhathoriya, P.S.- Madhusudanpur, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners who apprehend arrest in connection with Madhusudanpur P.S. Case No. 53/2025 lodged 12.04.2025, for the offences punishable under sections 126(2), 115(2), 109, 303(2), 352, 351(2) and (3)/3(5) of the B.N.S.

3. As per the prosecution case, the F.I.R. has been lodged against the petitioners alleging that they went to the house of the informant, abused him and his wife, and assaulted them with a danda and an iron rod. It is specifically alleged that petitioner no.1 assaulted the informant with an iron rod. It is further alleged that the petitioners snatched a silver chain from



the informant's wife.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have not committed any offence. He further submits that a bare perusal of the F.I.R. reveals that there is a specific allegation of assault with an iron rod only against petitioner no.1, while no direct allegation has been made against petitioner no.2. It is, however, not disputed that petitioner no.1 is accused in four other criminal cases and petitioner no.2 is accused in five other criminal cases.

5. Learned APP for the State opposes the prayer for bail and submits that the petitioners do not have clean antecedents. He further points out that there is a specific allegation against petitioner no.1 regarding assault with an iron rod.

6. Considering the fact that there is no specific allegation against petitioner no. 2 in the FIR, let petitioner no.2 above named be released on bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) as mentioned in Section 2(1) (d) of the Bharatiya Nagrik Suraksha Sanhita, 2023 to the satisfaction of the Judicial Magistrate 1st Class cum-A.M. VII, Bhagalpur, in connection



with Madhusudanpur P.S. Case No. 53/2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with further condition that the petitioner shall produce substantial proof at the time of furnishing bail bonds to show that he is not absconding in any of the cases as mentioned in paragraph no.3 of the petition as (i) Nathnagar (Madhusudanpur) P.S. Case No. 516 of 2021, (ii) Nathnagar (Madhusudanpur) P.S. Case No. 389 of 2021, (iii) Nathnagar (Madhusudanpur) P.S. Case No. 677 of 2000, (iv) Nathnagar (Madhusudanpur) P.S. Case No. 406 of 2018 and (v) Nathnagar (Madhusudanpur) P.S. Case No. 47 of 2016.

7. However, considering the specific allegation of assault against petitioner no.1 with iron rod, this Court is not inclined to grant bail to him. Accordingly, his prayer for bail in connection with Madhusudanpur P.S. Case No. 53/2025, pending before the learned Judicial Magistrate 1st Class cum-A.M. VII, Bhagalpur is hereby rejected.

(Dr. Anshuman, J)

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