

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50958 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- MAHILA PS District- East Champaran

1. Hamid @ Hamid Husain S/o Naimul Hoda R/o Village- Janerwa, Ward No. 14, P.S.- Bankariya, Dist- East Champaran at Motihari
2. Shahid S/o Naimul Hoda R/o Village- Janerwa, Ward No. 14, P.S.- Bankariya, Dist- East Champaran at Motihari
3. Shakir @ Shakir Hussain S/o Naimul Hoda R/o Village- Janerwa, Ward No. 14, P.S.- Bankariya, Dist- East Champaran at Motihari
4. Tanbir @ Tanbir Alam S/o Shakir @ Shakir Hussain R/o Village- Janerwa, Ward No. 14, P.S.- Bankariya, Dist- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mrs. Renuka ratnakar (APP.125)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending arrest in connection with Mahila P.S. Case No. 11 of 2025, dated 21.02.2025, under Sections 127(1), 115(2), 75, 76, 303(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”), pending before the Court of Sub-Divisional Judicial Magistrate, East Champaran at Motihari.

3. As per the prosecution, FIR has been lodged against the petitioners alleging that petitioner no. 3 attempted to outrage



the modesty of the informant, and she was saved with the help of co-villagers. The allegations against the remaining petitioners are that they assaulted the informant and the person who tried to help her. There is also an allegation of snatching ornaments and a mobile phone.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that both the petitioners and the informant are residents of the same village and are well known to each other. It is further submitted that the petitioners opened a cattle shed in the village, and water from the shed used to discharge toward the informant's house. Due to this, and with an intention to teach a lesson to the petitioners, the informant has filed the present case. He also submits that the criminal antecedents of the petitioners are not clean, as two criminal cases are pending against petitioner nos. 1 and 2, three criminal cases are pending against petitioner no. 3, and one criminal case is pending against petitioner no. 4.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that there is a specific allegation against petitioner no. 3 of attempting to outrage the modesty of the informant, and against the remaining petitioners,



there are specific allegations of assault and snatching of ornaments.

6. In the present facts and circumstances, and particularly considering the criminal antecedents of the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is hereby rejected.

7. It is directed to the petitioners to surrender before the Trial Court within a period of 6 weeks from today. In case, the petitioners surrender within six weeks, then the Trial Court is directed to pass order on their surrender-cum-bail applications on the same day without being prejudice that the anticipatory bail of the petitioners has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J.)

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