

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50727 of 2025**

Arising Out of PS. Case No.-161 Year-2022 Thana- BAISI District- Purnia

Asreful Son of Late Malik Hasib @ Mohammad Hasib R/O Village - Khoksa,  
P.S.- Baisi, District - Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Satyendra Kumar Jha, Adv.

Mr. Kumar Shubham, Adv.

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      12-08-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner apprehends his arrest in connection with Baisi P.S. Case No.161 of 2022 initially registered for the offences punishable under Sections 341, 323, 307, 379, 277, 504, 506, 147, 148 and 149 of the Indian Penal Code and later on Section 302 of the I.P.C. was added.

3. Allegedly, on the fateful day, all the accused persons including the petitioner conspiring together had laid an ambush in the village due to land dispute and while the informant's husband was coming back to his home, they assaulted with fists, kicks, rods, and sticks. Co-accused Akhtar @ Kaila @ Akhtar Malik assaulted the informant's husband



with a *Dabiya*, causing a serious head injury. The accused persons also snatched Rs. 5,000 from his pocket. When the informant rushed to the place of occurrence and tried to rescue, she was also assaulted and threatened.

4. Learned counsel for the petitioner taking this Court through the FIR has submitted that there is omnibus nature of allegation against all the FIR named accused persons, except co-accused Akhtar @ Kaila @ Akhtar Malik, who has been accorded the privilege of anticipatory bail by a learned co-ordinate Bench of this Court vide order dated 19.04.2025 passed in Cr. Misc. No.89798 of 2024. He further contended that with regard to the occurrence, which took place on 20.04.2022, the present FIR has been lodged on 27.04.2022 and moreover the husband of the informant succumbed to his injuries on 07.05.2022 during the course of treatment. The postmortem report, in the submission of the petitioner, also does not corroborate the allegation of *Dabiya* blow attributed to the co-accused. The petitioner bears fair antecedent.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that admittedly the petitioner along with others have actively participated in the crime, in which the husband of the petitioner



lost his life.

6. Regard being had to the submissions made on behalf of the parties and taking note of the omnibus nature of allegation, coupled with the fact that the case of the petitioner is based on parity, apart from his fair antecedent as also the delay in lodging of the FIR, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnia/concerned Court in connection with Baisi P.S. Case No.161 of 2022, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

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