

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52304 of 2025

Arising Out of PS. Case No.-103 Year-2025 Thana- PUPRI District- Sitamarhi

Md. Ashfaque Ansari S/o M.d Shabbir Ansari R/o vill - Temhua, P.S.- Pupri,
Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

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

2. The petitioner is apprehending arrest in connection with Pupri P.S. Case No. 103 of 2025, dated 01.04.2025, lodged under Section 115(2), 126(2), 352, 351(2), 109, 303(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”).

3. As per the prosecution, FIR has been lodged against ten named accused persons, including the present petitioner, alleging that on 29.03.2025, the informant received information on his phone that his family members had been assaulted by the accused persons. While he was returning home on his motorcycle, all the accused persons, armed with deadly weapons, surrounded him midway and began assaulting him. As



a result, the informant became unconscious and fell down.

Thereafter, local people brought him to Pupri Hospital.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that for the same date and place of occurrence, there is a case and counter-case between the parties. The petitioner's side has lodged Pupri P.S. Case No. 102 of 2025, whereas the informant's side has lodged Pupri P.S. Case No. 103 of 2025. He further submits that the petitioner's side lodged the case at 08:05 PM, whereas the informant lodged the case at 09:15 PM. He also submits that only after the informant came to know that a case had been lodged, and with the intention to defend himself and his family members, he filed the present case. He further submits that injuries have been caused to both sides. Furthermore, he submits that the criminal antecedent of the petitioner is not clean, as one criminal case is pending against him, but the said case was lodged by the father of the informant.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is a case and counter-case between both parties. Upon perusal of both FIRs, it transpires that the petitioner's side lodged the case prior to the informant's side.



6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Sub-Divisional Judicial Magistrate, Pupri at Sitamarhi, in connection with Pupri P.S. Case No. 103 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. It is further directed that the Trial Court shall verify the criminal antecedent of the petitioner, and in case it is found at any stage that the petitioner has concealed his criminal antecedent, the Trial Court shall take steps for cancellation of the petitioner's bail bond. However, the acceptance of the bail bond in terms of the above-mentioned order shall not be delayed for the purpose of or in the name of verification.

(Dr. Anshuman, J.)

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