

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56395 of 2025

Arising Out of PS. Case No.-70 Year-2025 Thana- PRATAPGANJ District- Supaul

1. Md. Najir Ansari S/O Late Rajjak Ansari R/O Vill.- Mahuaa Tola, (Ward no.- 4), Bhawanipur Uttar P.S.- Pratapganj, Dist.- Supaul
2. Md. Basir @ Md. Basir Ansari S/O Late Rajjak Ansari R/O Vill.- Mahuaa Tola, (Ward no.- 4), Bhawanipur Uttar P.S.- Pratapganj, Dist.- Supaul
3. Irfan @ Md. Irfan Ansari S/O Md. Basir @ Md. Basir Ansari R/O Vill.- Mahuaa Tola, (Ward no.- 4), Bhawanipur Uttar P.S.- Pratapganj, Dist.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Jha, Adv.
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP
For the informant	:	Mr. Kuldeep Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-12-2025 Heard Mr. Arun Kumar Jha, learned Counsel for the petitioners and learned APP for the State besides Mr. Kuldeep Kumar representing the informant.

2. The petitioners apprehend their arrest in connection with Pratapganj P.S. Case No. 70 of 2025 for the offence registered under sections 126(2), 115(2), 109, 117(2), 303(2), 352 and 3(5) of BNS, 2023.

3. As per the prosecution story, the informant alleged that while he along with his brother, Jahangir Ansari were returning from the market, allegation is that accused persons armed variously came and Md. Najir Ansari (petitioner no. 1)



assaulted on the head of the informant's brother by '*farsa*'. Md. Nasir gave blow on the hand of the informant's brother while Md. Basir Ansari (petitioner no. 2) assaulted the informant on the head. Further, allegation on Tabussum Khatoon and Rubeda Khatoon is/are of committing theft of Rs. 52,000/-. They were shifted to hospital which followed the FIR.

4. Learned Counsel for the petitioners submit that there is case and counter case, both sides have suffered injuries, the assault on Jahangir has been found to be grievous while the assault on informant has been recorded as simple. Further, there is no allegation against the third petitioner, Irfan and the last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner no. 2, Md. Basir Ansari on its own would like to contribute towards the medical assistance of Rs. 5,000/- through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant for the treatment of his brother, Jahangir after checking the credentials.

5. Learned APP for the State as also the learned counsel for the informant opposes the prayer for anticipatory



bail submitting that all these accused persons armed variously assaulted the informant and his brother.

6. Considering the submissions of the parties as also the assault theory that has come against the petitioner no. 1, Md. Najir Ansari, no relief can be granted to him. His anticipatory bail application stands rejected.

7. So far as the petitioner no. 2, Md. Basir Ansari and Md. Irfan Ansari @ Md. Irfan are concerned, there is no allegation against Irfan whereas assault theory against the petitioner no. 2 has been found to be simple in nature. In that background, this Court is inclined to grant petitioner no. 2 (Md. Basir Ansari) and petitioner no. 3, (Md. Irfan @ Irfan) the anticipatory bail with conditions subject to payment of Rs. 5,000/- to the informant as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local branch of the State Bank of India/any Nationalized Bank to be submitted to the Trial Court.

8. Let the petitioner no. 2 (Md. Basir Ansari) and petitioner no. 3, (Md. Irfan @ Irfan) in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the



like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Supaul/concerned Court in connection with Pratapganj P.S. Case No. 70 of 2025 subject to the following conditions.

(i) one of the bailor should be the family members/relatives of the petitioner no. 2 (Md. Basir Ansari) and petitioner no. 3, (Md. Irfan @ Irfan), who shall provide official document to show his *bona fide*;

(ii) the petitioner no. 2 (Md. Basir Ansari) and petitioner no. 3, (Md. Irfan @ Irfan) shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner no. 2 (Md. Basir Ansari) and petitioner no. 3, (Md. Irfan @ Irfan) shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioner no. 2 (Md. Basir Ansari) and petitioner no. 3, (Md. Irfan @ Irfan) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps



for cancellation of the bail bonds;

(v) the petitioner no. 2 (Md. Basir Ansari) and
petitioner no. 3, (Md. Irfan @ Irfan) shall desist from
committing any criminal offence again failing which the State
shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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