

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58939 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- Akbarpur District- Purnia

1. Md. Sarfaraj @ Md. Sanfaraj @ Doma S/O Md. Rustam R/O Village- Banki, P.S.- Akbarpur, District- Purnea
2. Md. Kadir S/O Md. Mukhtar Ali R/O Village- Banki, P.S.- Akbarpur, District- Purnea
3. Md. Najim S/O Md. Mokim R/O Village- Banki, P.S.- Akbarpur, District- Purnea
4. Faiyaj Alam @ Md Faiyaj Alam S/O Md. Jakir R/O Village- Banki, P.S.- Akbarpur, District- Purnea
5. Md. Rustam S/O Late Sheikh Manir R/O Village- Banki, P.S.- Akbarpur, District- Purnea
6. Md. Mustaque S/O Botal R/O Village- Banki, P.S.- Akbarpur, District- Purnea
7. Md. Ino @ Md. Inamul S/O Md. Insul R/O Village- Banki, P.S.- Akbarpur, District- Purnea
8. Md. Shahanshah Alam @ Md. Shahanshah S/O Mukhtar Ali R/O Village- Banki, P.S.- Akbarpur, District- Purnea
9. Md. Sufiyan @ Md. Safiyan S/O Md. Akhtar R/O Village- Banki, P.S.- Akbarpur, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal- Sr. Advocate
		Dr. Bidhu Ranjan- Advocate
For the Opposite Party/s	:	Dr. Indihar Kumari- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 10-09-2025 1. Heard learned senior counsel for the petitioners and learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 115(2), 117(2), 126(2), 352, 351(2), 351(3), 109,



303(2), 3(5) of the B.N.S.

3. The learned senior counsel for the petitioners submits that petitioner nos.2, 5 and 8 have antecedent of one case and rest of the petitioners are persons with clean antecedent. It is next submitted that informant alleges that on account of dispute relating to land, accused persons came and Md. Saddam with an iron rod and Md. Shahansha assaulted on his head indiscriminately causing injury. Thereafter, Md. Rustam assaulted by an iron rod causing fracture hand while Md. Mukhtar assaulted Md. Diwan by sword causing injury on head while Md. Faiyaz Ali assaulted by an iron rod indiscriminately causing injury on head of Md. Diwan. Thereafter, Md. Saddam and Mustaque assaulted his wife by sharp edged weapon causing injury on head, when she fell. Thereafter, Md. Rustam with iron rod and Md. Mustaque with lathi assaulted her causing fracture of her left hand and also assaulted by throwing Dabiya causing injury on leg. Further, Md. Khalid, Md. Kadir, Md. Shahansha and Md. Sarfaraz assaulted Md. Khalid by lathi causing fracture of left hand. Thereafter, Md. Shahansha assaulted Khalid by knife causing injury on lips. Further, Ragib and Navisa Khatoon were assaulted by rod and lathi by Md. Monajir and Md. Nazim



causing injury on thumb and finger. Thereafter, accused persons looted Rs.50,000/- and other articles. The neighbours informed the police, the police came and the injured were taken to hospital.

4. The learned senior counsel for the petitioners submits that on account of dispute relating to land, the petitioners have been falsely implicated in the instant case. It is submitted that from side of the informant Mutation Appeal Case No.67 of 2020-21 was instituted in the Court of the DCLR, in which petitioners were opposite parties and the said Mutation Appeal Case No.67 of 2020-21 was dismissed by the DCLR by an order dated 06.05.2024 (Annexure-2). It is also submitted that Akbarpur P. S. Case No.117 of 2024 from the side of petitioners have been instituted against the side of the informant and others. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that named accused have been specifically alleged of assaulting the respective injured, but then, all injured have received simple injury except the informant and his wife. It is submitted that specific allegation of assaulting the informant is against Md. Saddam and Md. Shahanshah, but then, Saddam is alleged to have assaulted by an iron rod while Shahanshah is alleged to



have assaulted by lathi. Similarly, the wife of the informant also is alleged to have been assaulted by Saddam and Md. Mustaque. It is next submitted that one of the injury of the informant on the head is opined to be grievous. Similarly, the injury of the wife of the informant on head has been opined to be grievous. It is also submitted that both informant and his wife received one injury on head and specific allegation of assault is against Saddam, but then, Saddam is not the petitioner in the instant anticipatory bail application. It is also submitted that Shahanshah is alleged to have assaulted Khalid by knife causing injury on lips, but then, the injury suffered by Khalid is simple and the wound is lacerated, when knife is a sharp edged weapon. It is also submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence. It is next submitted that petitioners are not criminals though petitioner nos.2, 5 and 8 carry one criminal antecedent.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on



anticipatory bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Purnea in connection with Akbarpur P. S. Case No.01 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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