

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63121 of 2025

Arising Out of PS. Case No.-174 Year-2025 Thana- BHAGWAN BAZAR District- Saran

1. Maimun Nisha @ Shabujan Khatoon , aged about 41 years, Female, W/o Md. Aslam @ Saral Resident of Village- Daulatganj, Mirchaiya Tola, PS- Bhagwan Bazar, Dist- Saran
2. Md. Aslam @ Saral, aged about 46 years S/o Ansh Mohammad Resident of Village- Daulatganj, Mirchaiya Tola, PS- Bhagwan Bazar, Dist- Saran
3. Md Mehboob Raies @ Mehboob @ Mehboob Raien, aged about 24 years, male S/o Md. Aslam @ Saral Resident of Village- Daulatganj, Mirchaiya Tola, PS- Bhagwan Bazar, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Roy, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Bhagwan Bazar P.S. Case No. 174 of 2025 dated 01-04-2025, instituted under Sections 126(2), 115(2), 118(1), 352 and 3(5) of the *Bharatiya Nyaya Sanhita*, 2023.

3. The prosecution case, in short, is that on 01.04.2025 at about 9:00 PM, Mehboob Raies (petitioner no.3) and Maimun Nisha @ Shabujan Khatoon (petitioner no.1) allegedly abused him over a land dispute. When he objected, it is alleged that Md Mehboob Raies @ Mehboob @ Mehboob



Raien (petitioner no.3) allegedly assaulted him with a knife on his right cheek, due to which the informant got injured. It is further alleged that upon hearing the noise, the villagers gathered at the place of occurrence, upon which the accused persons fled away from the place of occurrence. The police took the informant to the hospital, and an FIR was registered accordingly.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. It is further submitted that no allegation of assault has been made against petitioner nos. 1 and 2, while the allegation of assault is attributed only to petitioner no. 3, who is alleged to have attacked the informant with a knife on his right cheek. Referring to the impugned order dated 21.06.2025 passed in A.B.P. No. 1494 of 2025 and A.B.P. No. 1937 of 2025, whereby the learned District and Additional Sessions Judge-9th, Saran at Chapra, rejected the anticipatory bail applications of the petitioners, it is submitted that the learned Court itself has observed in the order that the doctor found the injury to be simple in nature. It is next submitted that the present case has been filed maliciously as a tactic to gain an advantage in a related civil property dispute and both parties are agnates.



Lastly, it is submitted that the petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM Chapra, in Bhagwan Bazar P.S. Case No. 174 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023.

7. The application stands allowed.

(Khatim Reza, J)

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