

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60544 of 2025

Arising Out of PS. Case No.-234 Year-2020 Thana- DHAKA District- East Champaran

1. Naseem Akhtar @ Bhikhadi S/o Late Rahul Haque R/o Ward No 2 Chandanbara, Kushmahwa, P.O.- Kundwa Chainpur, P.S.- Dhaka, Distt- East Champaran
2. Md. Asgar Ali @ Guddu S/o Md. Fazallur Rahman R/o Kushmahwa, P.O.- Kundwa Chainpur, P.S.- Dhaka, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-09-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Dhaka P.S. Case No. 234 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325 and 307 of the Indian Penal Code.

3. As per prosecution case, petitioners and others surrounded the informant's nephew and got down him from the motorcycle and started assaulting him. It is alleged that informant and his brothers, namely, Kaliya and Md. Shamshuddin went to pacify the matter, then, the aforesaid persons also assaulted them by means of lathi and danda as a result of which the informant sustained injury on his left hand and neck, Md. Shamshuddin



sustained injury on his back, Abulaish sustained injury on his right hand and back and Kaliya sustained injury on his chest/back. It is alleged that the reason behind the occurrence is that Abulaish pacified the dispute between Anwar and Salim, Furkan and Jisan, which had taken place on the day prior to the present occurrence.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR. He further submits that petitioners being *pattidar* have falsely been implicated in this case. He further no specific allegation of assault is attributed against the petitioners rather the allegation is general and omnibus in nature. From the perusal of FIR, it appears that 23 persons have been made accused in the present case. He further submits that there is case and counter case between the parties on the same date of occurrence and free fighting cannot be ignored. He further submits that there is no allegation of assault with sharp cutting or edged arms, therefore, no case is made out against the petitioners under Section 307 of IPC. Learned counsel submits through paragraph 13 of the instant petition that injuries of injured persons are caused by hard and blunt substance but not on the vital parts of the body which is reflected from FIR itself and the nature of said injuries are simple. Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer



for anticipatory bail of the petitioners by submitting that petitioners are one of the assailants and they cannot escape from the liability of allegation made in FIR. Hence, petitioners do not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, no specific allegation of assault is attributed against the petitioners, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Dhaka P.S. Case No. 234 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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