

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64627 of 2025

Arising Out of PS. Case No.-68 Year-2025 Thana- ASARGANJ District- Munger

Md. Minaj @ Balo S/O Late Md. Lazim @ late Md. Jajim R/O Asha Jori
Ward no. 12, P.S.- Asarganj, Dist.- Munger.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hafiz Shahbaz Arif, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Asarganj P.S. Case No. 68 of 2025 registered for the offences punishable under Sections 74, 115(2), 126(2), 109(1), 303(2), 329(4), 351(3), 352, 3(5) of BNS.

3. As per prosecution case, petitioner is said to have assaulted the informant and her husband upon their heads by means of iron rod as a result of which informant and her husband sustained head injuries.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that primary injury report does not corroborate



with the final injury report of informant and her husband. He further submits that there was no intention to kill the informant and her husband as there was no allegation of repetition of blow against the petitioner. After taking into account the allegation made in FIR, no offences under Section 109 of BNS is made out against the petitioner. He further submits that injury of informant is simple in nature whereas injury of informant's husband is grievous in nature (annexure 2) and informant's husband and the petitioner are full brothers. In the light of the aforesaid facts and circumstances of the present case, no case is made out against the petitioner. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that there is specific allegation against petitioner who is said to have assaulted upon the heads of informant and her husband. He further submits that injury reports of informant and her husband clearly indicates that the nature of injury sustained by informant is simple and the nature of injury sustained by informant's husband (Md. Kitabul) is grievous and the same is caused by hard and blunt, as mentioned in Annexure 2 of the instant bail petition. Hence, petitioner does not deserve anticipatory bail.



6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner and the same is corroborated by the injury reports of informant and her husband, this Court is not inclined to grant privilege of anticipatory bail to the petitioner and accordingly, the same stands rejected.

7. The application stands allowed.

8. However, in case petitioner surrenders before the concerned court within six weeks from today and seeks regular bail, the concerned court may pass appropriate order on the day of hearing without being prejudiced by order of this Court.

(Alok Kumar Pandey, J)

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