

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60628 of 2025

Arising Out of PS. Case No.-73 Year-2025 Thana- POTHIYA District- Kishanganj

Enamul Haque @ Enamul S/O Md Muslim @ Muslim Resident of Village-
Jagirgachh, Gourkhal, P.S.- Pothia, Dist.- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-09-2025 Learned counsel for the petitioner is permitted to
make necessary correction in para 11 of the bail petition.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner is apprehending his arrest in
connection with Pothia P.S. Case No. 73 of 2025 registered for the
offences punishable under Sections 126(2), 115(2), 118(2), 109(1),
303(2), 76, 351 (3), 352 and 3(5) of B.N.S, 2023 corresponding to
section 341, 323, 324, 307, 379, 354B, 506 , 504 and 34 of the IPC.

4. As per prosecution case, petitioner and other armed
with weapon abused the informant and other. It is further alleged that
petitioner and other are said to have assaulted informant's brother
Farukh by means of iron *saria* due to which he fell down and it is
further alleged that after falling on earth victim Farukh was assaulted
4-5 times as a result of which his head sustained injury.



5. 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. There is a case and counter case between both the parties on the same date of occurrence. The wife of present petitioner has lodged Pothia P.S. Case No. 72 of 2025 against the family member of the informant who tried to dispossess the petitioner and others on their purchased land and in retaliation of the said case, present case has been lodged where petitioner and other have falsely been implicated. Though, there is allegation that victim Farukh sustained 4-5 times head injury but the injury as mentioned in the impugned order only shows right shoulder pain, abrasion on mid parietal region of size 4"x1/2"x1/4' and also the injury of victim is simple in nature cause by hard and blunt substance. The allegation made in the FIR is totally inconsistent with the injury report. It is further submitted that there is a land dispute between the parties and in the cases of land dispute facts are generally exaggerated to make the offence graver. Apart from that, petitioner bears no criminal antecedent. Learned counsel further submits that co-accused, Md. Muslim, has already been granted anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. No.59250 of 2025 and the case of present petitioner stands more or less on similar footing.

6. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that there



is specific allegation against the petitioner which is supported by injury report, though, the injury is simple in nature

7. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-II, Kishanganj in connection with Pothia P.S. Case No. 73 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

(Alok Kumar Pandey, J)

vashudha/-

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