

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65680 of 2025

Arising Out of PS. Case No.-121 Year-2025 Thana- CHHATAPUR District- Supaul

Md. Hasib S/O Md. Habib Resident of Village- Fathepur, Ward No.- 06, P.S.-
Narpatganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66379 of 2025

Arising Out of PS. Case No.-121 Year-2025 Thana- CHHATAPUR District- Supaul

1. Md. Jamal Son of Md. Ahsanul Resident of Village - Fatehpur, Ward No.-
06, P.S.- Narpatganj, District - Araria.
2. Md. Shahid Son of Late Md. Asfaak Resident of Village - Fatehpur, Ward
No.- 06, P.S.- Narpatganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65680 of 2025)

For the Petitioner/s : Mr.Shekhar Kumar Singh, Adv.

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 66379 of 2025)

For the Petitioner/s : Mr.Shekhar Kumar Singh, Adv.

For the Opposite Party/s : Ms.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

4 17-12-2025

Heard the parties concerned.

2. Since both the aforesaid applications for
anticipatory bail arise out of same PS Case, they are being heard
and disposed of together.

3. The petitioners are apprehending their arrest in
connection with Chhatapur PS Case No. 121 of 2025 for the
offence punishable under Sections 126(2), 115(2), 303(2), 109,



119, 352, 351(2) and 3(5) of the BNS, 2023 instituted on 14.04.2025 by the informant, Md. Firoz Alam.

4. The prosecution story, in brief, is that the petitioners along with other FIR named accused including ten unknown persons were harvesting the crops from the field of informant and when the informant and his brother protested to it, his brother Afroz Alam was assaulted by means of *Farsa* and *Bhala* by the co-accused persons, namely, Md. Shahid and Md. Jamal (petitioners). It is further alleged that the informant was assaulted by means of rod and *Lathi* by the petitioner, Md. Hasib and other accused persons. The informant was also deprived of Rs. 25,000/-. Accordingly, the FIR.

5. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to existing land dispute between the parties and a free fight took place between them and both sides have sustained injuries. It has further been submitted that all the petitioners except Md. Shahid have got clean antecedent. Md. Shahid has got one criminal antecedent in connection with Narpatganj PS Case No. 572 of 2021 in which his is on bail. It has further been submitted that the injury which is said to have been sustained by the informant of this case is simple in nature and the allegation



levelled against the petitioners are of general and omnibus nature. There are altogether 14 accused in this case and there is nothing specific against all these three petitioners and these petitioners are agnates to the informant. There is also a counter version to the entire incident for which Chhatapur PS Case No. 122/2025 was filed by petitioner, Md. Hasib against the informant and others on the 14.04.2025 and the present FIR has also been instituted on the same date. Some of the accused persons have already been granted anticipatory bail in connection with Chhatapur PS Case No. 121 of 2025 by the learned trial court itself.

6. Learned counsel for the informant has *suo motu* appeared in this case and submitted that though there has been settlement between the parties but there should be some caveat while granting the privilege of anticipatory bail to the petitioners that they should not be disturbing the peace and harmony of the informant, where the parties are said to have arrived to a settlement.

7. In view of such submissions, it is accordingly directed that in future, if any allegations are levelled against the accused-petitioners before the local police with regard to the threat and harassment being caused to the informant's side, in



such event, the local police would verify the allegations and on finding substance in the allegation, they would be at liberty to seek the cancellation of anticipatory bail, if granted to the petitioners.

8. It is also made clear that insofar as measures of taking steps with regard to cancellation of privilege of anticipatory bail is concerned, even the informant's side will be at liberty take such recourse, in case of threat or harassment being caused to them in above terms.

9. Considering the aforesaid, as there is a case and counter case, nothing specific is alleged against these petitioners, though the injuries have been sustained by the informant and his family members and the nature of injuries being simple, the injury which is said to be grievous, it is not clear as to at whose instance, such injury has been caused. This Court, in such event, is inclined to extend the petitioners the privilege of anticipatory bail.

10. Let all the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of six weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with



aforesaid P.S. Case to the satisfaction of Mr. Chetan Anand, learned Judicial Magistrate 1st Class, Supaul/transferee court, subject to the conditions as laid down under Section 482(2) of the BNSS as also subject to the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Ajit Kumar, J)

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