

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62367 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- KATEYA District- Gopalganj

Makdum Baitha @ Makhdum Miya Baitha S/o Islam Baitha R/o Village-
Semaria, P.S.- Kateya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 62462 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- KATEYA District- Gopalganj

Rauzan Khatoun W/O Makdum Baitha @ Makhdum Miya R/O Village-
Semaria, P.S.- Kateya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 62367 of 2025)
For the Petitioner/s : Mr. Javed Aslam
For the Opposite Party/s : Mrs. Asha Kumari
(In CRIMINAL MISCELLANEOUS No. 62462 of 2025)
For the Petitioner/s : Mr. Javed Aslam
For the Opposite Party/s : Mrs. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 26-11-2025 As both these bail applications have cropped up

from the same police station case number, hence, they are being

heard together and disposed of by this common order.

2. Heard learned counsel for the petitioners and
learned APP for the State.

3. The petitioners are apprehending their arrest in



connection with Kateya P.S. Case No.15 of 2025, dated 12.01.2025, registered for the offence punishable under Sections 126(2), 115(2), 118(1), 109(1), 303(2), 3(5) of the Bharatiya Nyaya Sanhita.

3. As per the FIR, when the informant went to park his motorcycle, the petitioner, namely, Makdum Baitha allegedly caught him and assaulted him with lathi and farsa. The incident is stated to have arisen from a dispute over refusal to lend items from the shop. The petitioner, namely, Rauzan Khatoon is also alleged to have involved in the alleged occurrence.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is no specific overt act attributed to the petitioners, except for a general allegation of their involvement in the occurrence. It is further submitted that there is a case and counter-case between the parties, bearing Kateya P.S. Case No. 16 of 2025. The alleged occurrence took place on 08.01.2025, whereas the FIR was lodged on 12.01.2025, after an unexplained delay of four days, which remains unjustified. It is further submitted that the injuries sustained by the informant are simple in nature. Lastly, it is submitted that the petitioners have



no criminal antecedents.

5. On the other hand, the learned APP for the State has opposed the prayer for bail of the petitioners.

6. Taking into account that there is no specific overt act against the petitioners and the injuries sustained by the informant are simple in nature, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-VI, Gopalganj/Successor Court in connection with Kateya P.S. Case No.15 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:

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

(ii) the petitioner(s) 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 his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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;
(iv) the petitioner(s) shall desist from committing any criminal
offence again, failing which the State shall be at liberty to take
steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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