

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63214 of 2025

Arising Out of PS. Case No.-36 Year-2024 Thana- Bargaon District- Darbhanga

Md. Ijrail @ Ijrail @ Ijarail, Male, aged about 72 years, S/o Md. Salim,
resident of Village- Bargaon, Police Station- Bargaon, District- Darbhanga
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shashi Ranjan Kumar, Advocate
For the Opposite Party/s :	Mr. Satyendra Prasad, APP
For the Informant :	Mr. Ankit Raj, Advocate
	Mr. Shubham, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioner; learned
Additional Public Prosecutor for the State and learned counsel
for the informant, who has appeared *suo motu*.

2. The petitioner apprehends arrest in connection with
Bargaon PS Case No.36 of 2024 dated 16.07.2024, instituted
under Sections 191(2), 126(2), 115(2), 118(1), 117(2), 109,
303(2), 324(5), 352, 351(2), 3(5) of the *Bharatiya Nyaya*
Sanhita, 2023.

3. The prosecution case, in short, is that on the alleged
date of occurrence the informant and her husband were present
at her shop. The accused persons named in the FIR came there
armed with *Gandasa*, sword, rod, revolver forming an unlawful
assembly and started looting the shop of the informant and her



brother-in-law (Dewar). The accused persons assaulted several persons with *Gandasa*, sword, iron rod etc. They also opened fire but it did not hit anyone. Specific allegation against the petitioner is that he also ordered the co-accused to commit loot and whoever stops them shoot him immediately.

4. Learned counsel for the petitioner submits that there is no allegation of assault against the petitioner, rather, allegation against the petitioner is that he is one of the order giver. It is also submitted that there is case and counter case between the parties. The present case is counter blast of Bargaon PS Case No.35 of 2024 instituted under Sections 191(2), 126(2), 115(2), 118, 109, 125(1), 352, 351(2), 3(5) of the *Bharatiya Nyaya Sanhita*, 2023, lodged by one Nasima Khatoon wife of Md. Israil. It is further submitted that both sides are co-villagers and next door neighbours. It is next submitted that co-accused Md. Irfan @ Zafar Irfan, Sarfe Alam @ Md. Sarfe Alam and Md. Jugnu @ Rahees Alam have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 04.04.2025 passed in Cr. Misc. No.12324 of 2025. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP as well as learned counsel for the informant has opposed the prayer for bail.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Biraul, Darbhanga, in Bargaon PS Case No.36 of 2024, subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita*, 2023.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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