

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65114 of 2025

Arising Out of PS. Case No.-128 Year-2025 Thana- BABUBARHI District- Madhubani

1. Wasi Ahmad @ Md. Wasi Ahmad S/O Late Safiur Rahman R/O Village- Chhaurahi, P.S- Babubarhi, District- Madhubani.
2. Md. Sammi Akram S/O Late Safiur Rahman R/O Village- Chhaurahi, P.S- Babubarhi, District- Madhubani.
3. Md. Abbas @ Md. Abbas Moin S/O Late Md. Monir R/O Village- Chhaurahi, P.S- Babubarhi, District- Madhubani.
4. Md. Gayas @ Md. Gayasuddin S/O Md. Abbas @ Md. Abbas Moin R/O Village- Chhaurahi, P.S- Babubarhi, District- Madhubani.
5. Amirun Nisha W/O Late Safiur Rahman R/O Village- Chhaurahi, P.S- Babubarhi, District- Madhubani.
6. Munni Khatoon W/O Md. Abbas @ Md. Abbas Moin R/O Village- Chhaurahi, P.S- Babubarhi, District- Madhubani.
7. Farhana Khatoon W/O Md. Haja, D/O Late Safiur Rahman R/O Village- Chhaurahi, P.S- Babubarhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Kumar Bharti
For the Opposite Party/s	:	Mr.Rita Verma
For the Informant	:	Mr. Shailendra Kr Jha

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 13-11-2025 Heard learned counsel for the petitioners and learned counsel for the Informant as well as learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Babubarhi P.S. Case No. 128 of 2025, G.R. No. 744/2025 dated 06.04.2025 registered for the offence/s punishable u/ss 329(3), 191(2), 126(2), 115(2), 318(4), 303(2), 76, 85, 352,



351(2) of the B.N.S.

3. As per the prosecution case, the informant Gazala Saheen has alleged that the petitioners and the co-accused persons have neither returned her Rs. 43,00000/- nor the JCB machine, Tractor, Cultivator, Plazer, Motorcycle etc to the informant. When the informant alongwith her sister-in-law went to ask her money and goods back then the accused persons started abusing them and also assaulted them due to which they sustained injury. The accused persons, Md. Gayas, Md. Shami Akram, Wasi Ahmad have tore the informant's cloth and assaulted her and also took her golden chain.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. Nothing has been recovered from the conscious possession of the petitioners. The allegation against the petitioners is purely civil in nature. The informant is the Bhabhi of the petitioner no. 1 and 2 and other petitioners are her own family members. It is further submitted that the husband of the informant who is full brother of the petitioner no.-1 and 2. It is further submitted that the husband of the informant had purchased JCB tractor, and other articles after taking loan and after the death of husband of the informant, the younger brother of deceased took



responsibility with the consent of the informant to repay the loan amount. It is humbly submitted that the petitioner no.-1 has paid the remaining loan amount of his deceased brother (husband of the informant) after his death to the loan account which is evident from the bank statement. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

5. Learned counsel for the Informant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioners. It is further submitted that the petitioner no. 1 has taken one JCB, three Tractor, two Rambha, two cultivator, two Rotavetar, one Plazer one Dhankutiya Machine, Two trolly, one Motorcycle etc. on rent of Rs.1,00,000/- per month for his business which is admitted by the petitioner. The petitioner no. 1 has paid rent of Rs.1,00,000/- for three months and thereafter no rent is paid to the informant till date. The petitioner no.1 has claimed before this Hon'ble Court that he has paid loan amount of the three Tractors and JCB machine to its Mahindra Finance. The husband of the informant during his life time has paid the EMI of the loan amount of three tractors and one JCB Loader. It is submitted that till date there is due of rent of Rs.48,00,000/- on the petitioner no. 01. The petitioner no.1 has claimed that he has paid the loan amount of approx Rs.22,00,000/- to the Mahindra Finance.



6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Madhubani in connection with Babubarhi P.S. Case No. 128 of 2025, G.R. No. 744/2025, subject to conditions as laid down under Section 482(2) of the BNSS, with further condition/s:-

(i) The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to cancelled.

7. If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

8. This application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

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