

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63335 of 2025

Arising Out of PS. Case No.-204 Year-2025 Thana- BIRAUL District- Darbhanga

1. Md. Sonu Sah @ Ikramuddin Shah S/o Alauddin Sah R/o Vill-Baliya, P.s-Biraul, District-Darbhangha
2. Md. Ahshan Shah @ Md. Yhsan Sah S/o Md. Shaukat R/o Vill-Baliya, P.s-Biraul, District-Darbhangha
3. Md. Maskur @ Maskoor Shah S/o Md. Jihar R/o Vill-Baliya, P.s-Biraul, District-Darbhangha

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 126(2), 115(2), 118(1), 74, 109(1), 303(2), 351(2), 352, 3(5) of the Bhartiya Nyaya Sanhita.

3. As per the FIR, on 09.06.2025 at about 9 PM, the informant along with his younger brother heard noise from the house of one Aklu Sahni. On reaching there, they saw the accused persons, including the petitioners, assaulting Aklu Sahni's family. When the informant and his brother intervened,



the accused persons abused and attacked them with several weapons, causing head injury to the informant due to which he became unconscious. When Baccha Kumari and Durga Kumari tried to save them they were also assaulted by the accused persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case. It is contended that no such occurrence, as alleged, has in fact taken place, and the petitioners' complicity in the alleged offence has been wrongly presumed. It is further submitted that a bare perusal of the FIR would reveal that the allegations levelled against the petitioners are general and omnibus in nature. There is no specific overt act attributed against the petitioners. It is further submitted that the doctor who examined Badsah Choupal, Aklu Sahni, and Bachcha Kumari found the injuries to be simple in nature. Learned counsel also submits that these facts were brought to the notice of the learned Sessions Judge, Darbhanga, during the hearing of the anticipatory bail application filed by the petitioners, which was, however, rejected. It is further submitted that the statement regarding the injuries being simple in nature is not controverted by the learned APP appearing for the State. 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 petitioners' prayer for bail but has not disputed the fact that the injuries sustained are simple in nature.

6. Taking into account that the injuries sustained by the injured persons 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 Judicial ACJM, Biraul, Darbhanga/Successor Court in connection with Biraul P.S. Case No.204 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)

shikha/-

U		T	
---	--	---	--

