

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64832 of 2025

Arising Out of PS. Case No.-956 Year-2024 Thana- MADHEPURA District- Madhepura

Md. Sahban @ Al Sahban, S/O Md. Rustam Rahi, R/O Madhepura Ward No. 12, Laheri Muhalla, Majid Chowk, P.S- Madhepura, District- Madhepura, Bihar- 852113.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anurag Saurav, Advocate
For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Madhepura P.S. Case No. 956 of 2024, registered for the alleged offences under Sections 115(2), 126(2), 303(2), 75, 118(1), 117(2), 351(2), 352 and 3(5) of BNS, 2023.

3. As per prosecution case, the petitioner and other co-accused persons, who were variously armed, making an unlawful assembly, entered into the house of the informant and tried to commit rape with the informant. The allegation against the petitioner is that he sprayed poisonous substance in the eyes



of the informant and her daughter. They also looted the house of the informant and assaulted the other family members of the informant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. For the same occurrence, Madhepura P.S. Case No.957/2024 registered under Sections 115(2), 126(2), 303(2), 75, 3(5) of BNS was lodged by the mother of the petitioner on the same day, i.e., 17.08.2024. The allegation against the petitioner is not believable that he sprayed poisonous substance in the eyes of the informant and her daughter as there is no material to show that the informant or her daughter received any injury from spray of poisonous substance, though injury found on the informant was stated to be simple and the daughter of the informant received grievous injury, but the allegation for the same is against co-accused Md. Teny. Though there is allegation against co-accused Md. Rustam of causing injury in the eyes of the informant by knife resulting in loss of vision, but no such injury was found. The learned counsel further submits that the petitioner is having antecedent of one case and he is on bail in that case. The petitioner is in custody since 29.06.2025 and



charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf the petitioner.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and counter case of the parties and further considering the absence of injury on the victim attributed to the petitioner and also considering the submission of charge sheet and period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Madhepura P.S. Case No. 956 of 2024, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to



be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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