

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70327 of 2025

Arising Out of PS. Case No.-169 Year-2017 Thana- KUNDWACHAINPUR District- East
Champaran

-
1. Hasin Akhtar S/O Samsul Haque Resident of Village- Guabari, P.S.- Kundwa Chainpur, District - East Champaran.
 2. Rashid Akhtar @ Rashid @ Rasid Akhtar S/O Hasin Akhtar Resident of Village- Guabari, P.S.- Kundwa Chainpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-09-2025 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 147, 149,
341, 323, 354, 354B, 324, 379, 307, 447, 504, 506 of the Indian
Penal Code.

3. Learned counsel for the petitioners submits that
petitioners have antecedent of one case and the informant
alleges that on 16-11-2017 at around 6:30 AM, when she had
gone to attend the call of nature when Saidul Haque, Faizul
Hasan and Majibur Rahman caught her and started dragging her,
on alarm,the accused fled, thereafter the informant came and



disclosed the occurrence to her family members, when they went to the house of Saidul Haque for making queries when the Saidul Haque verbally abused them, it is next alleged that all the co-accused persons including the petitioner after planning came to her door and started abusing and Saidul Haque gave order to kill saying that the informant is trying to malign his image, on protest, Saidul Haque caught her and dashed her to the ground and thereafter Faizul Haque tore her clothes and Majibur Rahman assaulted her with dabiya causing injury over head and neck.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that police after investigation submitted charge sheet dated 10-1-2018 under bailable sections, but then the learned trial court differing with the police report also took cognizance under section 307 of the Indian Penal Code apart from other bailable sections of the Indian Penal Code by an order dated 22-9-2022. It is submitted that petitioners were completely unaware that cognizance has been taken under section 307 of the Indian Penal Code only and they came to know about the same when they received bailable warrants. It is also submitted that from perusal of the allegation



as alleged in the FIR, it would manifest that no specific allegation is alleged against them. It is next submitted that Saidul Haque had approached this Court seeking anticipatory bail by filing Cr. Misc No. 68042 of 2025 and the same came to be allowed by an order dated 19-9-2018.

5. Learned APP opposes the prayer for anticipatory bail of the petitioners and submits that in the event if privilege of anticipatory bail is granted to the petitioners, the petitioners may abscond, on which the learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kundwa Chainpur P.S. Case No.169/2017 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. However, it is made clear that in the event, if the



Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners, despite giving assurance to this Court, are not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

Sumit/-

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

