

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70845 of 2025

Arising Out of PS. Case No.-152 Year-2025 Thana- PHENHARA District- East Champaran

1. Md. Ashfaque Azam @ Ashafak Azam S/o Late Md. Sakoor R/o Village-Phenhara, P.S.- Phenhara, District- East Champaran, Motihari
2. Nasima Khatoon W/o Md. Ashfaque Azam @ Ashafak Azam R/o Village-Phenhara, P.S.- Phenhara, District- East Champaran, Motihari
3. Md. Iftekhar Azam S/o Md. Ashfaque Azam @ Ashafak Azam R/o Village-Phenhara, P.S.- Phenhara, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 08-10-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Phenhara P.S. Case No. 152 of 2025 dated 02.07.2025,
registered for the offence punishable under Sections 126(2),
115(2), 109, 74, 303(2), 352, 351 and 3(5) of the Bharatiya
Nyaya Sanhita, 2023.

3. The allegation against the petitioners is that they
along with other co-accused assaulted with sticks and threatened
the informant, his wife and labourers, who were doing
construction work at the house of the informant. The specific



allegation against the petitioner no. 1 is that he assaulted the informant on his head with iron rod due to which he sustained head injury.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that the informant is the full brother of petitioner no. 1, petitioner no. 2 is wife of petitioner no. 1 and petitioner no. 3 is son of petitioner no. 1. There is specific allegation against petitioner no. 1 that he assaulted with iron rod on the head of the informant. It is submitted that the doctor has opined the nature of injury as simple in nature caused by hard and blunt substance. It is further submitted that there is no specific allegation of assault against petitioner nos. 2 and 3. Lastly, it has been submitted that petitioner nos. 1 and 2 have one criminal case each against them and petitioner no. 3 has no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Phenara P.S. Case



No. 152 of 2025, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-Ist Class, Motihari, East Champaran, subject to condition as laid down under Section 482(2) of B.N.S.S..

(Khatim Reza, J)

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