

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69629 of 2025

Arising Out of PS. Case No.-152 Year-2024 Thana- SHRI NAGAR District- Madhepura

1. Md. Afroj S/o- Md. Sakur Resident of Village- Mangalwara Tola- Rahta Ward No- 03 P S- Srinagar District- Madhepura
2. Md. Sakur S/o- Late Jafar Resident of Village- Mangalwara Tola- Rahta Ward No- 03 P S- Srinagar District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 24-09-2025 Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehends their arrest in connection with Srinagar P.S. Case No. 152 of 2024, dated 24.12.2024, registered under Sections 126(2), 115(2), 109, 303(2), 352, 351(2), 3(5) of the B.N.S.

3. The prosecution case, in brief, is that co-accused Md. Shahnawaz is alleged to have thrown the brick, which hit informant's daughter-in-law Rubana Khatoon and she fell down unconscious. After this, said Md. Shahnawaz also assaulted with Farsa, causing injury at the head of the informant. When Gulnaz Begam came to save the informant, she was also assaulted by co-accused Md. Ijraile, causing injury at her head. Petitioner



Md. Afroj assaulted with rod, causing injury on the left hand of Md Rauf, and thereafter, the petitioner Md. Firoz assaulted with Lathi to Roobana. There is also allegation of snatching a cash of Rs. 25000/- from the pocket of informant by co-accused Ijraile as well as Nakmunni and silver-locket from the nose and neck of Rubana Khatoon by petitioner Firoj and ear ring from the ear of Gulnaz by co-accused Ijraile.

4. It is submitted by the learned counsel for the petitioners that in view of the allegation levelled in the F.I.R., there is specific allegation against petitioner no. 1, he caused injury to informant's Son-in-law Md. Rauf. With respect to petitioner no.2, who is aged about 78 years old, there is no specific allegation against him. In course of entire incident, two persons have only sustained injury namely Rubana Khatoon and Gulnaz Begam, who are said to have sustained injury, but injuries have been found to be simple in nature. It has next been submitted that these two persons from the informant's side, who are said to have injuries, not to caused by the petitioners. There is counter case against the informant and his family members, which is registered as Srinagar Hat P.S. Case No. 153 of 2024, dated 28.12.2024 (Annexure-2), which is also under investigation.

5. Learned Additional Public Prosecutor for the State has opposed the prayer for anticipatory bail of the petitioners.



6. Considering the fact that during course of entire incident, two persons have only sustained injury namely Rubana Khatoon and Gulnaz Begam, who are said to have sustained injury, but injuries have been found to be simple in nature, there is counter case against the informant and his family members, which is registered as Srinagar Hat P.S. Case No. 153 of 2024 and petitioner no. 2 is aged about 78 years old, let the above named petitioners, be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each, to the satisfaction of the learned C.J.M., Madhepura in connection with Srinagar P.S. Case No. 152 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C. 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)

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