

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72899 of 2025

Arising Out of PS. Case No.-122 Year-2025 Thana- HALAI District- Samastipur

1. Md. Israfil S/O Md. Ayub Resident of Village- Maricha, P.S.- Halai, Dist.- Samastipur
2. Md. Wasim S/O Md. Ayub Resident of Village- Maricha, P.S.- Halai, Dist.- Samastipur
3. Md. Ejaz S/o Md. Rahub Resident of Village- Maricha, P.S.- Halai, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-11-2025 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 126(2), 115(2), 118(1), 117(2), 109(1), 352, 351(2)(3) and 3(5) of the BNS, 2023.

3. The SHO, Halai P.S. and the Investigating Officer of the case, in compliance of the order dated 12.11.2025, are present in the Court.

4. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and are young



boys aged about 21, 20 and 21 years respectively and the informant alleges that accused persons including the petitioners came and started abusing, further Md. Ayub caught him from behind and gave orders to kill, on which Md. Wasim assaulted him by sword causing injury on head, thereafter Md. Israfil assaulted by *dabia* causing second injury on head, thereafter Md. Ejaz assaulted repeatedly by an iron rod causing injury on head, while Md. Naushad assaulted by knife causing injury near his eyes, further all the accused assaulted his cousin Halim by sword, rod, knife and *dabia* causing injury below his eye and cheek, the injured were taken to PHC from where they were referred to higher center.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that he was brutally assaulted by the named accused persons and the accused persons also assaulted his brother Halim, but then it is submitted that the injury suffered by the injured has been opined to be simple and the informant has received only one injury on scalp when he alleges that he was assaulted by Israfil also by *dabia* causing second injury on



head and thereafter Md. Ejaz assaulted repeatedly by an iron rod causing injury on head. It is submitted that the allegations have been levelled only to give seriousness to the case.

6. The learned APP for the State, based on instruction from the SHO and the Investigating Officer of the case, submits that the injury suffered by the injured has been opined to be simple, on which the learned counsel appearing on behalf of the petitioners submits that this amply demonstrates that the informant, for reasons best known, instituted the FIR with exaggerated allegation. It is also submitted that even presuming what has been alleged is true without admitting then it is the first offence of the petitioners and they are young boys and if they are sent to judicial custody, their entire career would get jeopardized and chances are bright that they may come in contact with hardened criminals. It is next submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

8. 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 Halai P.S. Case No. 122 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. 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 petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

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

11. Accordingly, the instant anticipatory bail application stands allowed.

12. The personal appearance of the SHO, Halai P.S. and the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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