

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74211 of 2025

Arising Out of PS. Case No.-296 Year-2025 Thana- MANJHI District- Saran

1. Nasir Khan S/o- Late Jalil Mistri @ Late Mohammad Jalil Khan Resident Of Village- Fatehpur, Ps- Manjhi, Dist-Saran, Chapra
2. Shaila Khatoon @ Sahela Khatoon W/o- Nasir Khan Resident Of Village- Fatehpur, Ps- Manjhi, Dist-Saran, Chapra
3. Mahmood Khan S/o- Nasir Khan Resident Of Village- Fatehpur, Ps- Manjhi, Dist-Saran, Chapra
4. Safiullah Khan @ Chhote Khan @ Chhota Khan S/o- Late Habibullah Khan Resident Of Village- Dumari, Ps- Manjhi, Dist-Saran, Chapra

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-11-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Manjhi P.S. Case No. 296 of 2025 registered for the offences punishable under Sections 329(3), 76, 117(2), 118(1), 305, 352, 351(3), 3(5) of the B.N.S and section 27 of the Arms Act.

3. As per prosecution case, informant recorded her *fardbayan* on 24.07.2025 that while she was sitting at her door, petitioners along with 4 to 5 unknown miscreants variously



armed with sword, farsa and fire-arms came and were capturing the more land which was sold by the husband in the year 2023. Upon protest, Nasir Khan (petitioner no.1) exhorted to kill informant upon which Mahmood Khan (petitioner no. 3) gave sword blow upon informant's head causing cut injury. It is further alleged that when informant fell down on ground, accused Nasir Khan (petitioner no.1) attacked with knife which hit on her hand. In the meanwhile, informant's daughter Suju Praveen came to rescue her, accused Shaila Khaatoon (petitioner no.2) caught hold her hair and dragged her on ground and attacked with sharp cutting weapon causing bleeding injury on head. Mahmood Khan (petitioner no.3) tried to outrage her modesty by pulling her *salwar* but when she raised *halla* several co-villagers came. It is further alleged that accused Chhote Khan fired from his pistol to scare villagers.

4. Learned counsel for the petitioners submits that from the initial version of prosecution story the genesis of story starts from the land in question. The said land has been purchased by petitioner nos. 1 and 2 and on account of demarcation of the said land, the dispute arose. There is a case and counter case between both the parties and free fighting cannot be ignored. All the injuries of informant and her daughter



are found simple in nature. The allegation as alleged in the F.I.R. is merely to create pressure upon the petitioners who have purchased the land and the facts of land dispute cases are generally exaggerated to make the offence appear graver. It is further submitted that no firing material was recovered from the place of occurrence. Apart from that petitioners having no criminal antecedent.

5. The learned learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners and submits that there is specific allegation against all the petitioners that they have assaulted the informant and her daughter. Hence, the petitioners do not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of the case that injuries are simple in nature, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Chapra, District-Saran



in connection with Manjhi P.S. Case No. 296 of 2025, subject to
the conditions as laid down under Section 482(2) of the B.N.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

Nilmani/-

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