

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73922 of 2025

Arising Out of PS. Case No.-61 Year-2019 Thana- DIGHALBANK District- Kishanganj

Md Alauddin @ Alauddin S/O Farid Baks R/v- Tulsia Bahadurabasti Ps-
Dighalbank Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar,Adv.

For the Opposite Party/s : Mr.Suman Kumari Singh,APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 19-11-2025 Heard the parties.

2. This application for grant of anticipatory bail arises out of Dighalbank Police Station Case No. 61 of 2019, disclosing the offence under Sections 147, 148, 149, 341, 342, 323, 504, 506, 324, 307 of the IPC lodged on 12.08.2019 by the informant, Shahbaz Alam.

3. The allegation against the petitioners, as per the First Information Report, in short is that the informant along with his brother and wife had gone to Tulsia Haat. Some altercation took place with the co-accused persons, namely, Gulab and Sameem. The petitioner and 15 co-accused persons assaulted him with *lathi*, *danda* knife and *hasua* with intention to kill him. When his brother Shahnawaz Alam came to rescue he was also assaulted. The petitioner had also given threatening earlier due to *mukhiya* election and in this regard a case was



lodged in the court. Pressure was being made for compromise in that case. It is further alleged that on the instance of the petitioner the accused persons had assaulted him and his brother. Accordingly, the present FIR.

4. Learned counsel for the petitioners submits that the petitioner has not committed any offence as alleged in the FIR and he has falsely been implicated in this case and on the basis of old enmity between the parties due to *Mukhiya* election which is evident from the FIR itself. He further submits that altogether sixteen persons have been named in the FIR and there is nothing against this petitioner and the prosecution upon investigation has submitted the final form against this petitioner but ignoring the same cognizance in this case has been taken and accordingly, the present application for anticipatory bail has been filed.

5. Learned APP opposes the prayer for anticipatory bail but concedes that there is nothing specific against this petitioner.

6. After having heard learned counsel for the parties and taking into consideration the fact that nothing incriminating has been found during course of investigation and even after submission of final form, cognizance has been taken



differing with the findings of the prosecution, this Court is inclined to grant the petitioner the privilege of anticipatory bail.

7. This application for anticipatory bail is, accordingly, allowed.

8. Let the petitioner, named above, in the event of their arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, in connection with aforesaid Police Station Case subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023, as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 bail bond by the Trial Court itself;

(iii) the petitioners 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

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Ajit Kumar, J)

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