

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77290 of 2025

Arising Out of PS. Case No.-77 Year-2025 Thana- KHODAWANDPUR District- Begusarai

1. MD. Ajajul Haque @ Ajajul @Ajajul Haque S/O Md. Ali Resident of Village- Sisri, Ward No. -9, P.S- Khodawandpur, District- Begusarai
2. Md.Iltija S/O Md. Ali Resident of Village- Sisri, Ward No. -9, P.S- Khodawandpur, District- Begusarai
3. Ali Hussain @ Md. Ali Hussain S/O Md. Ali Resident of Village- Sisri, Ward No. -9, P.S- Khodawandpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh, Advocate
For the State	:	Mr. Upendra Kumar, APP
For the Informant	:	Mr. Deo Prakash Sharma, Advocate
	:	Mr. Pankaj Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

2 27-11-2025 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the informant.

2. At the outset, learned counsel for the petitioner seeks permission to withdraw this application on behalf of petitioner no.3.

3. Permission is accorded.

4. Accordingly, this application is dismissed as withdrawn with respect to petitioner no.3.

5. Now, this application survives only with respect to petitioners no.1 and 2.

6. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 117(2), 109(1), 303(2), 352, 351(2), 3(5) of the B.N.S.

7. As per the prosecution case, the petitioners along



with other co-accused persons are alleged to have assaulted the informant, his wife and daughter.

8. Learned counsel for the petitioners submits that it would be apparent from the first information report itself that besides general and omnibus allegations, the allegation with respect to petitioner no.1 is that of assaulting the daughter of the informant, however the injury report which is annexed in the counter affidavit of the informant as Annexure-R/1 indicates that the same is simple in nature caused by hard and blunt substance. So far as the petitioner no. 2 is concerned, no specific overt act has been attributed against him. It has also been submitted that there is case and counter case between the parties and the same has been brought on record by way of Annexure-2.

9. Learned APP for the State and learned counsel for the informant have vehemently opposed the grant of anticipatory bail of the petitioners no.1 and 2 amongst others, on the ground that the daughter of the informant has suffered injury on her neck.

10. Taking into consideration the facts and circumstances and considering the fact that the specific allegation of assault upon the wife of the informant, who has suffered grievous injury is upon petitioner no.3 whose application has already been withdrawn, there is no specific overt act against



petitioner no.2 and the injury attributable to the petitioner no.1 is simple in nature, let the above named petitioners no.1 and 2, who have no criminal antecedent, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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 Court below where the case is pending/successor Court in connection with Khodawandpur P.S. Case No. 77 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 subject to further condition:

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioners no. 1 and 2 shall co-operate with the investigation, if not already concluded and make themselves available and when so required and in case of failure, the State as well as the opposite party no. 2 shall be at liberty to move for cancellation of bail.

(Soni Shrivastava, J)

anand/-

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