

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78485 of 2025

Arising Out of PS. Case No.-267 Year-2025 Thana- MAHISHI District- Saharsa

1. Naushad Alam @ Md. Naushad S/O Usman @ Md Usman R/O Village- Bhelahi ward no 4. P.S.-Mahishi, Distt- Saharsa.
2. Usman @ Md Usman S/O Wasil R/O Village- Bhelahi ward no 4. P.S.- Mahishi, Distt- Saharsa.
3. Sabila Khatun W/O Usman @ Md Usman R/O Village- Bhelahi ward no 4. P.S.-Mahishi, Distt- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Randhir Kumar No 1, Advocate
For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-12-2025 Heard Mr. Randhir Kumar No 1, learned counsel

appearing on behalf of the petitioners and Mr. Mohammed Arif,

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Mahishi P.S. Case No. 267 of 2025 registered for the
offence punishable under Sections
126(2),115(2),118(1),109,76,303(2),352,351(2),351(3),3(5) of
the BNS.

3. As per the allegation made in the FIR, the
petitioners assaulted the informant due to a dispute among them
over land.



4. Learned counsel appearing on behalf of petitioner submitted that the petitioners are innocent and they have falsely been implicated in the present case. The informant is the agnate of the petitioners and the specific allegation of causing injury is against the petitioner no.1. The nature of injury is simple. A general and omnibus allegation has been levelled against the petitioner no.2 and an ornamental allegation has been levelled against the petitioner no.3 that she had stanchd a sum of Rs.12000 from the informant's daughter-in-law. The petitioners have clean antecedent. On these grounds, the petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the FIR and the nature of injury, which is simple in nature and the petitioners are having clean antecedent, I am of the opinion that the petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his/her arrest or surrender before the learned District Court within a period of



four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned District Court where the case is pending in connection with Mahishi P.S. Case No. 267 of 2025, subject to the condition as laid down under Section 482 of the BNSS//438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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