

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78367 of 2025

Arising Out of PS. Case No.-189 Year-2024 Thana- MOUZAHDIPUR District- Bhagalpur

1. Md. Nikki @ Md. Sharique Naquass S/o Md. Jahangir Resident of - Dawood Chuck Tiwari Talab, Behind Muslim High School, P.S - Habibpur, District - Bhagalpur
2. Md. Aashu @ Md. Rashid Naquass S/o Md. Jahangir Resident of - Dawood Chuck Tiwari Talab, Behind Muslim High School, P.S - Habibpur, District - Bhagalpur
3. Md. Sonu @ Md. Rafique Naquass S/o Md. Jahangir Resident of - Dawood Chuck Tiwari Talab, Behind Muslim High School, P.S - Habibpur, District - Bhagalpur
4. Md. Nanhe @ Md. Rashique Naquass S/o Md. Jahangir Resident of - Dawood Chuck Tiwari Talab, Behind Muslim High School, P.S - Habibpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Adv.
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 03-12-2025 Heard the learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending their arrest in connection with Mojahidpur P.S. Case No. 189 of 2024, F.I.R dated 08.08.2024 was registered for the offences punishable under Sections 126(2), 115(2), 110, 303(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, the accused persons caused injuries on informant's head with steel rod. When his



younger brother came to save him, then accused persons also caused injuries on his head with rod, and took out Rs. 2,000/- from his pocket.

4. Learned counsel for the petitioners submits that there is general and omnibus allegation against these petitioners and the injuries sustained by the informant is simple in nature and it has next been submitted that since allegation of taking away money from the pocket of the informant is against the petitioner no. 1 therefore, the petitioner no. 1 without accepting his guilt is ready to pay to the informant and as also to compensate the informant for meeting the expenses of the treatment, which was received in the hospital and accordingly the counsel proposes to pay Rs. 5,000/- to the informant. He further submits that they have no criminal antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application submitting that there is no specific allegation against the petitioners but the informant has sustained injuries which is supported by the injury report.

6. Considering the aforesaid fact that there is nothing specific against the petitioners and to maintain peace and harmony, they are ready to compensate the informant by paying Rs. 5,000/- as compensation amount without accepting the guilt.



Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 the learned A.C.J.M-IX, Bhagalpur in connection with Mojahidpur P.S. Case No. 189 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other 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/her/their 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 bonds;

(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 their bail bonds.

(v) the amount of compensation so proposed shall be paid and the receipt of which shall be produced at the time of submission of bail bonds.

(Ajit Kumar, J)

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