

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79697 of 2025

Arising Out of PS. Case No.-664 Year-2025 Thana- SIKARPUR District- West Champaran

1. Safi Ahmad @ Safi Ahamad S/o- Late Manjur Hussain Vill- Mahuawa Ward no- 10 PS- Shikarpur Distt- West Champaran
2. Waqar Ahmad @ Vakar Ahmad S/o- Shakeel Ahmad @ Shakil Ahmad Vill- Mahuawa Ward no- 10 PS- Shikarpur Distt- West Champaran
3. Shahbaj Alam S/o- Shakeel Ahmad @ Shakil Ahmad Vill- Mahuawa Ward no- 10 PS- Shikarpur Distt- West Champaran
4. Shamim Ahmad S/o- Safi Ahmad Vill- Mahuawa Ward no- 10 PS- Shikarpur Distt- West Champaran
5. Shakeel Ahmad @ Sakil Ahmad S/o- Late Manjur Hussain Vill- Mahuawa Ward no- 10 PS- Shikarpur Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gyan Prakash, Adv.
For the Opposite Party/s	:	Mr. Anil Kumar Singh No. 1, APP
For the Informant	:	Mr. Vatsal Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-12-2025 Heard Mr. Gyan Prakash, learned Advocate for the petitioners and the learned Additional Public Prosecutor for the State. The informant is represented through Mr. Vatsal Verma, learned Advocate.

2. The petitioners are apprehending their arrest in connection with Shikarpur P.S. Case No. 664 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 329(3), 109, 76, 303(2), 352, 351(2) and 3(5) of the BNS.

3. In the evening of the fateful day on 28.06.2025, the petitioners along with one co-accused came to the house of the



informant and started abusing. When the protest was made, on the exhortation made by the petitioner no. 1, petitioner no. 4 along with co-accused Naseem Ahmad assaulted the informant by means of *lathi* and iron rod. When the other family members of the informant came to her rescue, the petitioner nos. 1, 2 and 5 also assaulted them by means of iron rod and *lathi*, due to which they sustained serious injuries. It is further alleged that on the next date, when the accused persons came to know that the informant approached the police station and submitted an application, petitioner no. 3 again assaulted the informant by means of iron rod, due to which she sustained head injury. Besides the aforesaid allegation, there is allegation of misbehave and snatching of valuables.

4. Learned Advocate for the petitioners referring to the FIR contended that admittedly the parties are agnates. On account of some previous dispute, they entered into a free fight, resulting into some unfortunate injuries, leading to institution of case and counter case being Shikarpur P.S. Case No. 665 of 2025, instituted against the informant and others. It is further contended that with respect to an incidence which took place on 28-29/06/2025, the fardbeyan was recorded on 30/06/2025 and the FIR was registered on 02/07/2025. So far the injuries, which



are allegedly sustained to the informant and others are concerned, all of them are found to be simple in nature. To support the aforesaid contention, injury report has been placed on record.

5. On the other hand, learned Advocate for the State and the informant opposed the pre-arrest bail application and submitted that after going through the FIR, it cannot be ruled out that the female persons have been specifically targeted without there being any reason, moreover, the corresponding injuries received by four of the persons clearly suggest the involvement of the petitioners. It has also been informed to this Court that the process under Section 84 Bharatiya Nagarik Suraksha Sanhita (BNSS) has already been issued against the petitioners and they are evading their arrest.

6. Learned Advocate for the petitioners, at this juncture, placed reliance upon a decision rendered by the Hon'ble Apex Court in the case of *Asha Dubey Vs. The State of Madhya Pradesh* in *Criminal Appeal No. 4564 of 2024* and submitted that there is no complete bar to entertain the anticipatory bail application, once this fact cannot be denied that the petitioner had filed the application on 14.11.2025, whereas the process has been issued on 25.11.2025.



7. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the factum of case and counter case, coupled with the simple nature of injuries as well as the parties are agnates, besides the mandate of the Hon'ble Apex Court as rendered in the case of *Asha Dubey* (supra), wherein the Court has observed that in the event of the declaration under Section 82 of the Cr.P.C., it is not as if in all cases that there will be a total embargo on considering the application for the grant of anticipatory bail. Above all, the petitioners are carrying fair antecedent, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned ACJM-VI, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 664 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that:-

(i) One of the bailors shall be the own/close family members of the petitioner.

(ii) In case, if the petitioner shall be found indulged in



intimidating the informant/witnesses or tampering with the evidence, the informant and the State shall be at liberty to file an application to cancel their bail bond.

(Harish Kumar, J)

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