

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86334 of 2024

Arising Out of PS. Case No.-218 Year-2012 Thana- DINARA District- Rohtas

Hasmuddin Miyan @ Hashmuddin Ansari Son of Late Alijan Miyan Resident
Of Village -Bakara, Gunsej, Ps -Dinara, Dist- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kalamuddin Son of Late Alijan Miyan Resident Of Village -Bakara, Gunsej,
Ps -Dinara, Dist- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 13-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection
with Dinara P.S. Case No. 218 of 2012, dated 15.09.2012,
lodged under Sections 341, 323, 504/34 of the Indian Penal
code.

3. As per the prosecution, the F.I.R. has been lodged
against six named accused persons, including the present
petitioner, with the allegation that the accused persons abused
and threatened the informant. It is further alleged in the F.I.R.
that co-accused Alauddin Mia pointed a country-made pistol at
the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has not committed any offence. It is



submitted that on a plain reading of the F.I.R., the ingredients of the Arms Act are not attracted against the present petitioner. Counsel fairly submits that the only adverse circumstance in this case is that the petitioner had approached the learned Sessions Judge on 19.03.2013 seeking anticipatory bail, which was rejected, and thereafter, he did not approach this Hon'ble Court. The delay is explained on the ground that the dispute was between brothers and a compromise petition was filed, leading the petitioner to believe that the matter would not be pursued further. It is also submitted that the petitioner has clean antecedents.

5. Learned counsel for the informant is present and submits that the matter is a family dispute between brothers and has since been amicably settled. He states that the informant does not wish to pursue the case further and, therefore, has no objection if bail is granted to the petitioner.

6. Learned APP for the State opposes the prayer for bail and submits that the petitioner's anticipatory bail was rejected nearly twelve years ago and this fact should be taken into considering at the time of considering the petitioner's prayer for bail.

7. After hearing the parties, it appears to this Court



that this is a peculiar case wherein an F.I.R. lodged in the year 2012 is still pending as of 2025. In the meantime, law has changed in which Cr.P.C. is switched over to BNSS.

8. Considering the facts and circumstances of the case, and particularly the fact that the dispute appears to be between the parties and has been amicably settled, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail is rejected.

9. However, if the petitioner surrenders before the Trial Court within six weeks from today, the Trial Court is directed to consider and dispose of his surrender-cum-bail application on the same day, keeping in view that the ingredients of the Arms Act do not appear to be attracted against the petitioner. The Trial Court shall pass a reasoned order on its own merits without being influenced by the rejection of the petitioner’s anticipatory bail by this Court.

(Dr. Anshuman, J)

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