

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81296 of 2025

Arising Out of PS. Case No.-423 Year-2025 Thana- BASANTPUR District- Siwan

1. Ajmullah Sah, S/o Late Abdul Majid Sah, R/O Vill- Ratauliya, P.S- Basantpur, Distt- Siwan
2. Kaish Sah @ Kaish Alam, S/o Imtiyaz Sah @ Intyaj Sah, R/O Vill- Ratauliya, P.S- Basantpur, Distt- Siwan
3. Ansad Sah @ Ansad Alam, S/o Ajmullah Sah, R/O Vill- Ratauliya, P.S- Basantpur, Distt- Siwan
4. Reyaj Sah, S/o Ajmullah Sah, R/O Vill- Ratauliya, P.S- Basantpur, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Yogesh Chnadra Verma, Sr. Adv.

For the Opposite Party/s : Mr. Madan Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-12-2025 Heard Mr. Yogesh Chandra Verma, learned Senior Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Basantpur P.S. Case No. 423 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Allegedly on the fateful day while the informant was standing at the shop of his grandfather, in the meanwhile,



the petitioners alongwith others came there and started assaulting him. When the brother of the informant came to his rescue, he was also assaulted by *farsha*, causing injury on the head. The informant also sustained injury on head. It is specifically alleged that Imtiyaz and Santaj assaulted him on his head and Reyaj and Ansad assaulted his brother by sword, causing injury on his head.

4. Learned Senior Advocate appearing on behalf of the petitioners submit that the parties are agnates and bickering over a land dispute. Moreover, there is a counter version of the present case being Basantpur P.S. Case No. 422 of 2025 instituted against the informant and the persons of his side. So far the injury which is allegedly sustained to the injured have been found to be simple in nature. Moreover, other co-accused persons who are facing identical allegation have been allowed the privilege of anticipatory bail by a Bench of this Court in Criminal Miscellaneous No. 76538 of 2025 vide order dated 01.12.2025. The petitioners bear fair antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that because of the assault being made by the petitioners, informant and his brother has sustained serious injuries.



6. Regard being had to the submissions made on behalf of the parties and considering the factum of case and counter case, coupled with the simple nature of injury, besides the fact that the case of the petitioners is based on parity with those who have been accorded the privilege of anticipatory bail, 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) with two sureties of the like amount **each** to the satisfaction of the learned Additional Chief Judicial Magistrate I, Siwan in connection with Basantpur P.S. Case No. 423 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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