

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84676 of 2025

Arising Out of PS. Case No.-100 Year-2024 Thana- SHRI NAGAR District- Madhepura

1. Md. Isha @ Md. Isa Son of Late Mohid Hussain @ Shekh Abdul Mahid R/o village - Ghardoul, Mangalwar, Ward No.- 7, P.S.- Srinagar, District - Madhepura
2. Md. Asfaque @ Md. Ashfaque Son of Md. Isha @ Md. Esa R/o village - Ghardoul, Mangalwar, Ward No.- 7, P.S.- Srinagar, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Adv.
For the Opposite Party/s : Mr. S.M. Rahman, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 23-12-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Shrinagar P.S. Case No. 100 of 2024 dated 01.08.2024 registered for the offences under Sections 126(2), 115, 118(1), 117, 118(2), 109, 352, 351(2), 3(5) of the B.N.S. and Section 27 of the Arms Act.

3. As per prosecution case, the accused persons including the petitioners surrounded the informant on the road and assaulted him. It is alleged that the petitioner no.2 assaulted the informant by means of *farsa* upon his head due to which he sustained head injury. It is also alleged that on the order of the



petitioner no.1, the co-accused Mohammad Mustaq shot the informant on his stomach due to which he sustained fire-arm injury and fell down on the ground.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the instant case merely due to personal enmity and grudge on account of land dispute. It is next submitted that the Investigating Officer, upon conclusion of the investigation and finding no evidence against the petitioners, submitted final form no. 45/2025 dated 22.04.2025 but, the learned Magistrate, by differing with the police report, took cognizance against the petitioners on 28.07.2025. The petitioner no.1 is said to be aged about 71 years and is suffering from different old age ailments and because of dirty politics that he had contested the election of Mukhia, the he has been implicated in the present case. The petitioner no.2 is the son of the petitioner no.1 and for ulterior reason, his name has also been dragged in this case. Lastly, it is submitted that the petitioner no.1 has one criminal antecedent of the year 1996 in which he is on appeal bail.

5. Learned APP for the State opposed the prayer for bail.

6. Be that as it may, considering the fact that the



Investigating Officer has submitted final form against the petitioners and the petitioners are men of means and they are ready to abide by the terms and conditions imposed in this case, in case the benefit of privilege of anticipatory bail is extended to them, let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the Court below within a period of four weeks from today on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Shrinagar P.S. Case No. 100 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, 2023.

7. It is made clear that the petitioners shall desist from committing any criminal offence after their release on anticipatory bail, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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