

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84809 of 2025

Arising Out of PS. Case No.-52 Year-2025 Thana- Bargaon District- Darbhanga

1. Md. Shamsuzzoha @ Samsuj Joha Son of Late Maksud Ali Resident of Village - Bauram, P.S.- Bargaon, District - Darbhanga.
2. Md. Taushif Son of Tanjir Alam Resident of Village - Bauram, P.S.- Bargaon, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Barun Chaudhary, Adv.

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 23-12-2025 Heard Mr. Barun Chaudhary, learned counsel for
the petitioners and learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Bargaon P.S. Case No. 52 of 2025 for the offence punishable under sections 126(2), 115(2), 118(1), 109, 352, 3(5) of the BNS lodged on 06.06.2025 by the informant.

3. As per the prosecution case, the allegation against the petitioners is that they along with other accused persons armed with iron rods, sticks etc, assaulted the informant with intention to kill him. When father of the informant came to rescue the informant, his father was also assaulted by one Tanzir Alam due to which his father received injuries on the head. Thereafter, the informant and his father were referred to DMCH,



Darbhanga for better treatment. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that they have falsely been implicated in this case on the ground of land dispute between the parties. The allegations of overt-act is mainly against accused persons, namely, Md. Firoz Alam and Tanzir Alam by means of hard and blunt substance resulting the injuries sustained by the informant and his father. It has next been submitted that allegations against these petitioners are general and omnibus in nature and the entire family members have been made accused in this case.

5. Learned APP opposes the prayer for anticipatory bail.

6. Considering the fact that the allegations of overt-act is mainly against accused persons, there is no specific allegation against these petitioners and the petitioners have clean antecedent, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners, above named, be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate,



1st Class, Biraul, Darbhanga/transferee court in connection with
aforesaid PS Case, subject to the conditions as laid down under
Section 482(2) of the BNSS as well as the following
conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) 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 bail bond by the Trial Court itself;

(iii) the petitioner(s) 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 petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Ajit Kumar, J)

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