

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5901 of 2026

Arising Out of PS. Case No.-125 Year-2025 Thana- PAHARKATTA District- Kishanganj

1. Md Asique @ Ashique Son of Mainuddin R/o Village - Haikalbari, PS. - Paharkatta, District - Kishanganj.
2. Ahsan Raza @ Ahsan Son of Babul @ Md. Babul Hussain R/o Village - Haikalbari, PS. - Paharkatta, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 24-02-2026 Heard the learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Paharkatta P.S. Case No.125 of 2025, F.I.R dated 22.1.2025 registered for the offences punishable under Sections 126(2), 115(2), 74, 109(1), 352, 351(2), 303(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, on 21.10.2025, Rajik Alam and Tanzinul were selling intoxicating substances in the village and assaulted him when he objected. On 22.10.2025, the two accused along with the petitioners allegedly came to his house, abused and assaulted him, and also assaulted his wife



when she intervened, tearing her clothes, snatching her silver chain and nose ring, and threatening them. Subsequently, while the informant was going to the police station to report the incident, the accused allegedly intercepted him near Khankah Chowk. He took shelter in the sweet shop of Sanju Sah, but all the accused, including the petitioners, allegedly assaulted him with intent to kill, and co-accused Sanju Sah poured hot oil on his body.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and accused persons, namely, Rajik Alam and Tanzinul are already under judicial custody and the only allegation with respect to the petitioner No.1 is of having pointed a knife on the belly of the informant and snatching and with respect to petitioner No.2, the allegations are general and omnibus in nature. It has further been submitted that the petitioners have clean antecedent and were neither arrested from the spot nor was anything recovered from their constructive possession.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances that only allegation with respect to the petitioner No.1 is of



having pointed a knife on the belly of the informant but no injury caused and with respect to petitioner No.2, the allegations are general and omnibus in nature and the accused persons who had injured the informant and his family members have already been taken taken into judicial custody and the petitioners have clean antecedent. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj, in connection with Paharkatta P.S. Case No.125 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit 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/her/their 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 their bail bonds.

(Ajit Kumar, J)

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