

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6641 of 2026

Arising Out of PS. Case No.-183 Year-2024 Thana- PHENHARA District- East Champaran

MD. TALIM Son of Late Md. Hafiz Resident of Vill.- Phenhara, P.S.-
Phenhara, Dist.- East Champaran. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 04-02-2026 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Phenhara P.S. Case No.183 of 2024, dated 16.12.2024 registered for the offence punishable under Sections 126(2), 115(2), 118(1), 109, 75, 303(2), 352, 351(2), 3(5) and 103(2)(1) of the Bharatiya Nyaya Sanhita.

3. The prosecution case, in brief, is that due to a land dispute, the accused persons allegedly assaulted the informant's husband with a *farsa*, causing him to sustain a head injury. The informant and other family members were also assaulted, and certain articles were allegedly snatched by the accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He fairly submits that the petitioner was not at home during the incident and, for earning his livelihood, was residing



out of station. During his stay, the process under Section 82 of the Cr.P.C. was undertaken by the Court below. By referring to the judgment rendered by the Hon'ble Apex Court in the case of *Asha Dubey v. State of Madhya Pradesh*, reported in **2024 LiveLaw (SC) 889**, he submits that there is no embargo in entertaining an anticipatory bail application where sufficient reasons are explained. It is the case of the petitioner that the fardbeyan of the son of the deceased, which is said to have been recorded in the IGIMS, Patna, goes to show that co-accused Tamanne had assaulted the deceased with a sword on the head. Further, the deposition made by the informant during the course of trial indicates that the deceased had fallen on a cattle-feeding instrument made of cement (*Nad*) and got injured. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. On the other hand, the learned APP for the State has opposed the prayer for bail of the petitioner.

6. Taking into account that the reason of death, as stated by the informant during the course of trial, does not implicate this petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Motihari, East Champaran/Successor Court in connection with Phenhara P.S. Case No.183 of 2024 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/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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