

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9872 of 2026

Arising Out of PS. Case No.-321 Year-2025 Thana- KALYANPUR District- East Champaran

1. Nesar Ahmad S/O Sheikh Abdullah Resident of Village- Meghua Bakarpur, P.S- Kalyanpur, District- East Champaran.
2. Manoj Thakur S/O Ramagya Thakur R/O Village- Siswa Sob, P.S- Kalyanpur, Distt.- East Champaran.
3. Ejaullah S/O Safiullah R/O Village- Siswa Sob, P.S- Kalyanpur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Karandeep Kumar, Advocate
For the Opposite Party/s :	Mr. Anuj Kumar Shrivastava, APP
For the Informant :	Mr. Rananjay Kumar, Advocate
	Mr. Shahid Ahmad, Advocate
	Mrs. Chhateshwari Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-02-2026 Heard Mr. Karandeep Kumar, learned counsel for the petitioners and Mr. Rananjay Kumar representing the informant beside Mr. Anuj Kumar Shrivastava, learned APP.

2. The petitioners are apprehending their arrest in connection with Kalyanpur P.S. Case No. 321 of 2025 for the offence under sections 127(2), 115(1), 118(2), 109, 76, 303(2), 351(2), 352 and 3(5) of the BNS lodged on 20.08.2025 by the informant, Khaudeja Khatoon.

3. As per the prosecution story, the informant alleged that while she was busy in her field, the accused persons came



and on the order of petitioner no. 1. Nesar Ahmad, allegation is that Manoj Thakur (petitioner no. 2) gave knife blow on the left side of the chest of informant's son, Sheikh Sarfaraz while the petitioner no. 3, Ejaulah along with other accused persons also assaulted him. The villagers took the injured to Primary Health Center, Kalyanpur, then to referral hospital Chakia and finally to SKMCH, Muzaffarpur . This led to the FIR.

4. Learned counsel for the petitioners submit that exaggerated FIR is there, there is counter-version also, there is omnibus allegation against petitioner no. 3 and he has no criminal antecedent while petitioner no. 1 is an order giver.

5. Learned counsel representing the informant submits that a perusal of the learned Sessions Judge order would show that one of the injury of Sheikh Sarfaraz inflicted by Manoj Thakur, who has four criminal antecedents, has been found to be grievous in nature.

6. Considering the submissions of the parties as also the allegation that has come against Manoj Thakur (petitioner no. 2), his anticipatory bail application stands rejected.

7. So far as petitioner no. 1, Nesar Ahmad and petitioner no. 3, Ejaulah are concerned, taking into account that one is an order giver while the omnibus allegation is there



against the petitioner no. 3, in that background, this Court is inclined to extend them privilege of anticipatory bail.

8. Let the petitioner no. 1, Nesar Ahmad and petitioner no. 3, Ejaullah 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 Additional Chief Judicial Magistrate -12, East Champaran at Motihari in connection with Kalyanpur P.S. Case No. 321 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner no. 1, Nesar Ahmad and petitioner no. 3, Ejaullah who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) the petitioner no. 1, Nesar Ahmad and petitioner no. 3, Ejaullah shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the petitioner no. 1, Nesar Ahmad and petitioner no. 3, Ejaullah 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 their bail



bond by the Trial Court itself;

(iv) the petitioner no. 1, Nesar Ahmad and petitioner no. 3, Ejaullah shall appear before the concerned police station every month for six months to mark their attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(v) the petitioner no. 1, Nesar Ahmad and petitioner no. 3, Ejaullah 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;

(vi) the petitioner no. 1, Nesar Ahmad and petitioner no. 3, Ejaullah 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.

(Rajiv Roy, J)

Adnan/-

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