

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9376 of 2026

Arising Out of PS. Case No.-135 Year-2025 Thana- Mehsoul District- Sitamarhi

1. Md. Shahnawaz Alam @ Md. Shahnawaz @ Munna S/O Late Nazir @ Nazeer Ahmad Resident of Village- Mehsaul East, Mehsaul @ Rampur Lakshmi, P.S.- Mehsaul , Dist- Sitamarhi.
2. Md. Aman @ Nafees Afzal S/O Afzal Hussain @ Chhote Resident of Village- Mehsaul East, Mehsaul @ Rampur Lakshmi, P.S.- Mehsaul , Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Adv.
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, App.
For the Informant	:	Mr. Pushendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 3 27-04-2026 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Mehsaul Police Station Case No. 135 of 2025, disclosing offences under Sections 126, 115(2), 118, 109, 351(2), 352, 3(5) of the BNS, 2023.

3. As per the prosecution case, on 30.08.2025 at about 10:15 PM, while returning from a marriage function, informant was intercepted near Maharani Asthan by the accused persons, who were armed with pistol, iron rod, lathi, and danda. It is alleged that upon instigation by Jakaullah, Md. Sahanwaj attempted to attack the informant with a pistol, which was averted, and thereafter Jakaullah assaulted him on the head with an iron rod, causing injury. The informant was taken to hospital



for treatment.

4. Learned Counsel for the petitioner submits that the petitioners are innocent and have falsely been implicated in the present case. The allegation against petitioner no. 1 of assault by pistol did not result in any injury, while petitioner no. 2 has been merely named in the FIR without any specific role. The injury, as per the prosecution case, is attributed to co-accused Jakaullah who is not the petitioner in the present case. It is further submitted that no overt act is attributed to the petitioners and their implication appears to be on account of prior enmity. The informant is the sole eye-witness and other witnesses are hearsay in nature. Moreover, there is also unexplained delay of seven days in lodging the present FIR. Injuries sustained by the informant are simple in nature.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that there was previous case lodged by the side of the informant against the petitioners, bearing Sitamarhi P.S. Case No. 64 of 2025, and the petitioners' side pressurized the informant to enter into compromise and upon refusal, the assault has been made.

6. Having regard to the submissions made on



behalf of the parties and taking into consideration the fact that the assault made by petitioner no. 1 does not result in any injury, there is no specific allegation alleged against petitioner no. 2 and the injury caused to the informant is attributed to Jakaullah who is not the petitioner, I am inclined to grant the petitioners privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, 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 learned Chief Judicial Magistrate, Sitamarhi, in connection with Mehsaul Police Station Case No. 135 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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