

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10312 of 2026

Arising Out of PS. Case No.-55 Year-2024 Thana- Mohanpur District- Purnia

1. Md. Taiyab S/o- Md. Aasin Miya Res of Village- Anjhari PS-Mohanpur District- Purnea
2. Md. Esrail S/o- Md. Taiyab Res of Village- Anjhari PS-Mohanpur District- Purnea
3. Md. Minhaj S/o- Md. Taiyab Res of Village- Anjhari PS-Mohanpur District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Bidhu Ranjan, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-03-2026 Heard learned Senior Counsel for the petitioners and
Learned APP for the State.

2. Learned Senior Counsel for the petitioners submits
he is not pressing the bail application of petitioner Nos.2 and 3.
As such, the anticipatory bail application of petitioner Nos.2 and
3 are hereby not considered and permitted to be withdrawn with
liberty to surrender before the Trial Court within four weeks and
the Trial Court shall consider the regular bail application on its
own merit and pass order on the same day without being



prejudice by the order of this Court.

3. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to the petitioner No.1 who apprehends arrest in connection with Mohanpur P.S. Case No. 55 of 2024, lodged on 29.06.2024, under Sections 341/323/307/504/506/34 of the Indian Penal Code.

4. As per the prosecution, FIR has been lodged against eight named accused persons including the present petitioners with allegation that they allegedly came to the door of the informant and attempted to encroach upon a portion of the land despite the prohibitory order and scuffling took place.

4. Learned Senior Counsel for the petitioner No.1 submits that the petitioner No.1 is innocent and has committed no offence. Counsel submits that scuffling took place only due to land dispute taken place and the entire family members have been made accused. Learned Senior Counsel submits that the antecedent of the petitioner are clean but under over jealous name of the entire family members and relatives have been inserted in the present case. He further submits that petitioner No.1 is aged about 60 years and name of his two sons have also



been implicated.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that from the content of the FIR it becomes crystal clear that the problem has arisen at the instance of the accused persons as they were forcefully tried to enter into the place of occurrence.

6. In the present facts and circumstances of this case and considering the age of petitioner No.1, let petitioner No.1 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of learned Additional Sessions Judge-XVI, Purnea, in connection with Mohanpur P.S. Case No. 55 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. And further condition that the Trial Court shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the Trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Dr. Anshuman, J)

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