

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10197 of 2026

Arising Out of PS. Case No.-130 Year-2025 Thana- MADHEPUR District- Madhubani

1. Mohammad Gulaser S/o- Late Jiyaul Rahman Village- Pachahi, W.No-4, PS- Madhepur, District- Madhubani
2. Md. Sahabuddin S/o- Late Md. Mojibul Village- Pachahi, W.No-4, PS- Madhepur, District- Madhubani
3. Md. Babul S/o- Motiur Rahman @ Md. Motiur Rahman Village- Pachahi, W.No-4, PS- Madhepur, District- Madhubani
4. Md. Yasin @ Aihasan @ Md. Aihasan S/o- Md. Tajemul Hussain Village- Pachahi, W.No-4, PS- Madhepur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 17-06-2026 Heard the parties.

2. The petitioners are apprehending arrest in connection with Madhepur P.S. Case No. 130 of 2025 instituted under Sections 189(2), 126(2), 115(2), 118, 109, 303(2), 352, 76 of the BNS lodged on 13.08.2025 by the informant, Shahjahan.

3. As per the prosecution story, the informant alleged that when his son, Ashif Ali @ Ashik was returning home, the accused persons named and armed variously resorted to assault. The allegation is that Mohammad Gulaser and Md. Sahabuddin



(petitioner nos. 1 and 2 respectively) assaulted on the chest and neck by knives causing injury. Further, allegation of assault is on other accused persons including the petitioner nos. 3 and 4 namely Md. Babul and Md. Yasin also. This led to the F.I.R.

4. Learned counsel for the petitioners submit that there is case and counter case. Both sides have suffered injury and they do not have criminal antecedent.

5. Learned APP on the other hand opposes the prayer submitting that at least, the allegation against Gulaser and Md. Sahabuddin is/are of assaulting Md. Ashif Ali @ Ashik by knives and the said injuries have been found on the person of Md.Ashif Ali @ Ashik

6. Taking into account the submissions of the parties as also that the petitioner no.1, Mohammad Gulaser and petitioner no.2, Md. Sahabuddin are concerned, no relief can be extended. Their anticipatory bail application stand rejected.

7. So far as the petitioner nos. 3 namely Md. Babul and petitioner no.04, namely Md. Yasin @ Aihasan are concerned, considering the omnibus allegation of assault is/are there against them, they do not have criminal antecedent, in that background, this Court is inclined to extend them the privilege of anticipatory bail.



8. Let the petitioner no. 3, Md. Babul and petitioner no.4, Md. Yasin @ Aihasan be released on bail, in the event of their arrest or surrender before the concerned court 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 the like amount each in connection with Madhepur P.S. Case No. 130 of 2025 to the satisfaction of learned Judicial Magistrate-1st Class, Jhanjharpur, Madhubani subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner nos. 3 namely Md. Babul and petitioner no.04, namely Md. Yasin @ Aihasan who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) to show his/her bona fide;

(ii) The petitioner nos. 3 namely Md. Babul and petitioner no.04, namely Md. Yasin @ Aihasan shall be appearing before the police station as and when required for cooperating in the investigation;

(iii) the petitioner nos. 3 namely Md. Babul and petitioner no.04, namely Md. Yasin @ Aihasan 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 nos. 3 namely Md. Babul and petitioner no.04, namely Md. Yasin @ Aihasan shall appear before the concerned police station every fortnight for next six months to mark their attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(v) the petitioner nos. 3 namely Md. Babul and petitioner no.04, namely Md. Yasin @ Aihasan 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 nos. 3 namely Md. Babul and petitioner no.04, namely Md. Yasin @ Aihasan 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.

9. This Court further observed that if the petitioner no.1, Md. Gulaser and petitioner no.2, Md. Sahabuddin respectively surrender within a period of four weeks from today



and seek bail, the same be taken up and be disposed it of on the
same day.

(Rajiv Roy, J)

Ravi/Shivangi

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