

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15680 of 2026

Arising Out of PS. Case No.-38 Year-2025 Thana- ABADPUR District- Katihar

1. Md. Sanaullah @ Sanaul Haque Son of Md. Nazrul Isalam Resident of village - Jabadpur, P.S.- Abadpur, District-Katihar.
2. Md. Samidul Son of Md. Nazrul Isalam. Resident of village - Jabadpur, P.S.- Abadpur, District-Katihar.
3. Md. Samim Son of Md. Nazrul Isalam. Resident of village - Jabadpur, P.S.- Abadpur, District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Adv
For the Opposite Party/s : Mr.Narendra Kumar Singh, APP
Mr. Suresh Prasad Sah @ Baranwal, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 07-04-2026 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 109, 118(1), 117(2), 76, 303(2), 352, and 3(5) of the Bharatiya Nyaya Sanhita.
3. The Investigating Officer of the case, in compliance of the order dated 24-3-2026, is present in the Court.
4. Learned counsel for the petitioners submits that the



petitioners are persons with clean antecedent and the informant alleges that on account of dispute relating to land, the accused persons including the petitioners came and Md. Sanaullah (petitioner no. 1) assaulted Helal by bhala causing injury on back of his head, leg and waist, while Samim (petitioner no. 3) started assaulting Helal by lathi, thereafter Md. Samidul (petitioner no. 2) assaulted Md. Dulal by sword causing injury on back of head and ear and Md. Ahaab along with Md. Salam acted inappropriately with Nazia Praveen and snatched her chain, next alleges that Md. Saajebal and Md. Kalam assaulted Md. Rahim causing injury on finger.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that on account of dispute relating to land, the occurrence is alleged to have taken place. It is further submitted that even injury suffered by Helal has been opined to be simple in nature.

6. Learned APP and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application. The learned counsel appearing on behalf of the informant submits no doubt injury suffered by Helal has been



opined to be simple in nature, but then injury of Dulal has been opined to be grievous in nature caused by Md. Samidul, who is alleged to have assaulted him by sword causing injury on back of head.

7. At this stage, the learned counsel appearing on behalf of the petitioner submits that as far as Md. Samim is concerned, the allegation against him is general and omnibus in nature that he started assaulting Helal after Md. Sanaullah assaulted him, but still injury of Helal has been opined to be simple in nature.

8. At this stage, the learned A.P.P. for the State submits based on instruction of the Investigating Officer of the case that petitioner no. 1 has not approached this Court with clean hand as at para-3 it has been pleaded that petitioners are persons with clean antecedent, when petitioner no. 1 has antecedent of one case, on which the learned counsel appearing on behalf of the petitioner submits that the criminal antecedent of the petitioners was pleaded as per instruction.

9. After hearing the learned counsel for the parties, the petitioner nos. 1 and 3 above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on **provisional anticipatory bail** on furnishing bail



bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Abadpur P.S. Case No. 38 of 2025 subject to the conditions as laid down under Section Section 482(2) of the BNSS.

10. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner nos. 1 and 3 and in the event if it is found that petitioner nos. 1 and 3 have antecedent of even one case then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to that petitioner who had concealed his criminal antecedent before this Court, but after verification if it is found that petitioner nos. 1 and 3 are person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith with respect to petitioner nos. 1 and 3.

11. However, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner no.2 (Md. Samidul). Accordingly, the prayer for anticipatory bail of the petitioner no. 2 is rejected.

12. The personal appearance of the Investigating



Officer of the case is dispensed with.

(Satyavrat Verma, J)

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