

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22170 of 2026

Arising Out of PS. Case No.-3 Year-2026 Thana- GAUNAHA District- West Champaran

1. Sheikh Saheb @ Musa @ Saheb Hussain S/o Sheikh Aras R/o Village - Bhataura, P.S - Shikarpur, District - West Champaran
2. Safi Ahmad @ Enullah Son of Late Sheikh Sadik R/o Village - Bhataura, P.S - Shikarpur, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharad Kumar Verma
		Mr. Sagar Kumar
		Mr. Harsha Sashwat
For the Opposite Party/s :		Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 08-04-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Gaunaha P.S. Case No. 03 of 2026 for the offence under Sections 191(2), 190, 115(2), 118(1), 303(2), 109, 352 and 351(2) of the BNS.

3. As per prosecution case, on the date of occurrence, the while informant was harvesting his paddy crop, all the F.I.R. named accused persons variously armed, forming an unlawful assembly came to the field and started objecting the informant to harvest the paddy. When the informant's brother, Sheikh Istekhar, asserted his right over his share of land, the accused



persons started abusing him. Upon protest, accused Sheikh Baitullah exhorted others to kill him. Acting upon such instigation, accused Sheikh Paigam assaulted Sheikh Istekhar with an axe on his head, causing grievous injuries, as a result of which he fell down on the ground. Thereafter, accused Sheikh Saheb @ Musa and Safi Ahmed assaulted him with sticks on his left hand, back, and waist, causing further serious injuries. When the informant intervened to rescue his brother, accused Sheikh Tabrez struck him on the head with an iron rod, causing multiple bleeding injuries. Thereafter, accused Sheikh Aras and Sheikh Imran assaulted him on his back and waist with sticks, causing him to fall down.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have not committed any offence as alleged in the F.I.R. It is contended that there exists a long-standing partition dispute between the parties, who are agnates. In order to resolve the said dispute, Partition Suit No. 78 of 2025 was instituted from the side of the petitioners, which led to animosity on the part of the prosecution party. It is further submitted that, in fact, the prosecution party, being aggrieved by the said civil proceeding, formed an unlawful assembly and, consisting of 14 named and 9–10 unknown persons, came to the



land of the petitioners and assaulted them, causing injuries to as many as five persons, including the petitioners. In connection with the said occurrence, Gaunaha P.S. Case No. 02 of 2026 was instituted at the instance of the cousin of the petitioners against the informant and other accused persons of the present case. Learned counsel further submits that, as per the allegations made in the F.I.R., the only specific accusation against the petitioners is that they assaulted the informant's brother on his waist and hand by means of lathi. Apart from this, there are only general and omnibus allegations against the petitioners along with other accused persons without any specific attribution of overt acts. It is also contended that from bare perusal of the F.I.R., it clearly transpires that the present case arises out of a land dispute between the parties. Further, it has been specifically stated in paragraph 3 of the bail application that the petitioners have clean antecedents and have never been involved in any criminal case earlier.

5. Learned APP opposes the prayer for bail.

6. Keeping in view the aforesaid facts, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the



date of 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 Judicial Magistrate 1st Class, Bettiah, West Champaran, in connection with Gaunaha P.S. Case No. 03 of 2026 subject to the conditions as laid down under Section 482 of B.N.S.S., as also with the condition that one of the bailors should be close relative of the petitioners.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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