

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28838 of 2026

Arising Out of PS. Case No.-643 Year-2025 Thana- BAIRIYA District- West Champaran

1. Md. Shahid Gaddi @ Kushhar @ Kushhar Gaddi @ Shahid Gaddi @ Mom Sahid Gadi S/O Late Bagad Gaddi R/O Village- Siswa Saraiya, Ward No. 13, P.S. -Bairiya, District-West Champaran
2. Imam Gaddi @ Gobariya Gaddi @ Imam Hussain S/O Md. Shahid Gaddi @ Kushhar @ Kushhar Gaddi @Shahid Gaddi @ Mom Sahid Gadi R/O Village- Siswa Saraiya, Ward No. 13, P.S. -Bairiya, District-West Champaran
3. Mosafir Gaddi S/O Md. Shahid Gaddi @ Kushhar @ Kushhar Gaddi @ Shahid Gaddi @ Mom Sahid Gadi R/O Village- Siswa Saraiya, Ward No. 13, P.S. -Bairiya, District-West Champaran
4. Rojaddin Gaddi S/O Md. Shahid Gaddi @ Kushhar @ Kushhar Gaddi @Shahid Gaddi @ Mom Sahid Gadi R/O Village- Siswa Saraiya, Ward No. 13, P.S. -Bairiya, District-West Champaran
5. Salma Khatoon @ Tetri Khatoon D/O Md. Shahid Gaddi @ Kushhar @ Kushhar Gaddi @Shahid Gaddi @ Mom Sahid Gadi R/O Village- Siswa Saraiya, Ward No. 13, P.S. -Bairiya, District-West Champaran
6. Robaida Khatoon W/O Imam Gaddi @ Gobariya Gaddi R/O Village- Siswa Saraiya, Ward No. 13, P.S. -Bairiya, District-West Champaran
7. Bhawani Khatoon W/O Md. Shahid Gaddi @ Kushhar @ Kushhar Gaddi @ Shahid Gaddi @ Mom Sahid Gadi R/O Village- Siswa Saraiya, Ward No. 13, P.S. -Bairiya, District-West Champaran
8. Gulshan Khatoon W/O Mosafir Gaddi R/O Village- Siswa Saraiya, Ward No. 13, P.S. -Bairiya, District-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-05-2026 Heard learned counsel for the petitioners and learned



APP for the State.

2. The petitioners apprehend their arrest in connection with Bairiya P.S. Case No. 643 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 191(2), 76, 303(2), 109(1), 352, 351(2), 118(1) and 3(5) of Bharatiya Nyaya Sanhita.

3. Learned counsel appearing for the petitioners submits that the petitioners are innocent and have been falsely implicated due to previous land dispute and village rivalry. It is submitted that the present case is counter-blast of Bairiya P.S. Case No. 642 of 2025 and Bairiya P.S. Case No. 12/2026 instituted by the side of the petitioners. It is further submitted that there is no specific allegation of assault against petitioner nos. 1, 5, 7 and 8 and the specific allegation of assault by means of sword and iron spade has been attributed to co-accused Abrar Gaddi and Abdul Karim respectively, who are not the petitioners herein and certain allegations have been levelled against petitioner nos. 3, 4, 6 and others, the injury reports are simple in nature except Sadil and Raina Khatoon. It is lastly submitted that petitioner no. 2 is alleged to have assaulted the informant's sister-in-law causing fracture injury, however, such injury is due to fall.



4. Learned APP for the State has opposed the prayer for bail of the petitioners and submits that there are specific allegations of assault causing grievous injury to the victims.

5. In the facts and circumstances of this case and considering the statements made in the petition as well as the above submissions, coupled with the nature of allegations, in my opinion, **the petitioner no. 1 and petitioner nos. 3 to 8 deserve to the relief of anticipatory bail.** Accordingly, let the petitioners named-above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Bairiya P.S. Case No. 643 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

6. However, so far as the **petitioner no. 2, namely, Imam Gaddi @ Gobariya Gaddi @ Imam Hussain** is concerned, there is specific and direct allegation of assault by iron rod causing fracture injury to the victim, which is supported by medical report, hence, this Court is not inclined to grant the relief of anticipatory to the petitioner no. 2. Accordingly, his



prayer stands rejected.

(Shailendra Singh, J)

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