

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36074 of 2026**

Arising Out of PS. Case No.-18 Year-2025 Thana- Haraiya District- East Champaran

1. Mustak Ali @ Mustak Saiphy S/o Mustaph Saiphy R/o Village - Badaprewa, Ward no. 1, P.S. - Hariya, Dist - East Champaran.
2. Ashraph Ali @ Asraph Saiphy S/o Sattar Saiphy @ Mohammad Satar R/o Village - Badaprewa, Ward no. 1, P.S. - Hariya, Dist - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      01-06-2026                      The Court proceeding is being conducted through virtual mode.

2. Heard learned counsel for the petitioners and learned A.P.P for the State.

3. The petitioners are apprehending arrest in connection with Haraiya P.S. Case No. 18 of 2025 lodged on 14.02.2025, for the offence punishable under Sections 192(2), 190, 298, 196, 305, 324(4) 352, 326(G) & 351(2) of the Bharatiya Nyaya Sanhita, 2023, pending in the Court of Sub-Divisional Judicial Magistrate, Motihari, East Champaran.

4. As per the prosecution, FIR has been lodged against ten named accused persons and three dozen unknown persons



with allegation that all the accused persons surrounded the hanuman temple and pelted the temple with stones and also attacked the nearby hotel and tempo with bricks and stones. It has also been alleged that the accused persons have also hurled abuses and threatened M.M. Singh's house, pelting stones and threatened to kill him.

5. Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence. He submits that there is no specific allegation against anyone, rather, there is a general and omnibus allegation. He further submits that due to intervention of the well-wishers of both parties, they have entered into compromise and petition has been filed before the S.D.J.M. which is Annexure-P/2. He further submits that the petitioners have no criminal antecedent.

6. Learned APP for the State vehemently opposes the prayer for bail and submits that the allegation made against the petitioners and other accused persons are serious in nature and as a member of mob, they have attacked on a particular locality and also abused and threatened for further consequences. He further submits that the offence under which the case has to be lodged, has not been lodged by the Police. It is a type of organized crime with a view to create terror in the locality.



7. This Court without entering into the merit on this point raised by the State that whether it is an organized crime or a terror action, not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners stand rejected.

8. However, liberty is granted to the petitioners that if they surrenders before the concerned Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on their surrender-cum-bail application on the same day, without being prejudice that the anticipatory bail of the petitioners has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

**(Dr. Anshuman, J)**

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