

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35882 of 2026

Arising Out of PS. Case No.-87 Year-2026 Thana- PALASI District- Araria

Md. Dawood S/o Late Kitab Ali R/o Village - Thapkol, Ward no. 04, PS -
Jokihat, District – Araria Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 27-05-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Palasi P.S. Case No. 87 of 2026 for allegedly having committed offences under Sections 126(2), 115(2), 109, 303(2), 352, 351(2), 351(3) and 3(5) of B.N.S., 2023.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant, to the effect that due to previous land dispute all the accused persons, including the petitioner started demolishing the fence of the house of the informant. Upon protest made by the informant, all the accused persons started assaulting the informant and his family members. The petitioner assaulted the wife of the informant with a spade, causing injuries on her head. When the daughter of the informant came to save her mother, co-accused Md. Sahid assaulted her with an iron-rod on her head. Subsequently, co-accused, Md. Arif snatched rupees 14,000/- in cash from the



informant and the co-accused Sabit assaulted the informant's second daughter with *lathi*.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence, rather he has falsely been implicated in the present case by the informant due to previous land dispute. The learned counsel for the petitioner further submits that the allegation levelled in the First Information Report are totally false. The learned counsel for the petitioner further submits that the petitioner and the informant are own brothers and the injuries suffered by the wife of the informant have been found to be simple in nature. The petitioner does not have any criminal antecedent.

5. *Per Contra*, the learned APP appearing on behalf of the state also opposes the prayer for anticipatory bail of the petitioner and submits that the allegation of assault on the wife of the informant is against the petitioner and she sustained injuries on her head.

6. Having considered the rival submissions and after going through the records, it appears that the petitioner and the informant, who happens to be own-brothers, have got previous land dispute. The specific allegation of assault on the head of the wife of the informant has been attributed upon the petitioner. From perusal of the injury report, which has been annexed as Annexure-



P/2 to the present anticipatory bail petition, it would transpire that the doctor, who treated the wife of the informant, found the injuries to be simple in nature. Further, the petitioner has got a clean antecedent.

7. Taking into consideration the facts aforesaid, let the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Palasi P.S. Case No.87 of 2026, subject to the conditions laid down under Section 482(2) of the B.N.S.S with a further condition that:-

The learned court concerned shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court concerned shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J.)

Sanjay/Shital

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