

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38010 of 2026

Arising Out of PS. Case No.-14 Year-2026 Thana- PAHARKATTA District- Kishanganj

Md. Tahir @ Tahir Alam S/O Late Md. Kalu R/O Vill.- Satboliya, P.S-
Pahrkatta, Dis- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate
For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-06-2026 Heard Learned Counsel for the petitioner and
learned APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable in connection with Paharkatta P.S. Case No.14 of 2026 under Sections 126(2), 115(2), 118(1), 109(1), 352, 351(2), 303(2), 3(5) of the BNS, 2023 which is pending before the court of S.D.J.M, Kishanganj.

3. As per the prosecution, the FIR has been lodged against 11 named and 5 unknown accused persons including the petitioner with allegation that they entered into the house of the informant and assaulted him and his family members by iron rod. There is also allegation of snatching gold and silver ornaments.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He further submits that the petitioner has been falsely implicated in the present case. He further submits that at the alleged date and time of occurrence, petitioner was not present there.

5. Counsel further submits that both parties are *Gotiya* and for the same date and place of occurrence, there is case and counter-case lodged from both the sides. The informant has lodged case *i.e.*, Paharkatta P.S. Case No.14 of 2026 (present case) and the petitioner has lodged case *i.e.*, Paharkatta P.S. Case No.15 of 2026. He further submits that none of the parties are criminal, but it is true that scuffling took place from both sides due to which injury has also been caused to both sides.

6. Learned Counsel also submits that antecedent of the petitioner is clean and the only allegation against the petitioner that he has assaulted the brother of the informant by iron rod.

7. Learned APP for the State opposes the prayer for bail, but fairly submits that there is direct allegation of assault against the petitioner.

8. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner, therefore the bail application of the petitioner is hereby rejected.



9. However, Trial Court is directed to consider the regular bail application of the petitioner, if he surrenders within 6 weeks from today and prays for regular bail, then trial court shall pass order without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J)

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