

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48232 of 2026

Arising Out of PS. Case No.-86 Year-2026 Thana- GAUNAHA District- West Champaran

Hakim Miya @ Hakim Ansari Son of Mangru Miya Resident of Naya Tola
Besandi, P.S.- Gaunaha, West Champaran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rishabh Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-07-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Gaunaha P.S. Case No. 86 of 2026, F.I.R dated 01.05.2026 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109(1), 303(2), 352, 351 (2) and 3 (5) of Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, that the informant, Baitul Khatun, had distributed her land among her sons. A dispute arose when her eldest son, Hakim Miyan, allegedly threatened her middle son, Samsuddin Ansari, over possession of land and house. It is alleged that Hakim Miyan, along with Mehroon Khatun, Haroon Miyan, and Akluddin Miyan, came to the informant's house on 26.04.2026 at about 1:00 PM, abused



and threatened Samsuddin Ansari, assaulted him, and Hakim Miyan allegedly attacked him with a sword causing injury on his shoulder. The accused persons also allegedly attempted to strangle him and snatched his gold chain before fleeing upon the arrival of the emergency response team. The injured Samsuddin Ansari was thereafter taken to the Government Hospital, Gaunaha, for treatment, and accordingly the F.I.R.

4. Learned counsel for the petitioner submits that the issue relates to partition of the property the incident is said to have been taken place and the informant of this case is own mother of the petitioner and the issues between the families have been settled by Annexure – P/2. While the injuries, which have been sustained by the younger brother, namely Samsuddin Ansari, is said to be simple in nature. Learned counsel for the petitioner further submits that, in order to put at rest the on-going dispute, the petitioner proposes to pay an amount of Rs. 5,000/- to his younger brother as a financial support to the medical treatment taken by him, without accepting his guilt.

5. Learned APP for the State opposes the prayer for anticipatory bail application in respect of this petitioner.

6. Considering the aforesaid facts that the issues have already been settled down, as is evident in Annexure – P/2



appended with this writ petition, that the informant being own mother of the petitioner and the efforts shown by this petitioner to bring quietus to the on-going dispute by maintaining peace and further offering financial support to the tune of Rs. 5,000/- on account of medical treatment taken by his younger brother, accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner, *with a condition to produce the proof of payment at the time of furnishing the bail bond.*

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bettiah, West Champaran in connection with the aforementioned P.S. Case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita including the conditions referred above, which shall be read along with the other following conditions:

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear



on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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