

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58542 of 2025

Arising Out of PS. Case No.-138 Year-2025 Thana- KISHANGANJ District- Kishanganj

1. Md. Kurban @ Md. Kurban Ali @ Md. Qurban Ali S/o- Shish Mohammad Village- Kesojhara Ps- Arrabari Dist- Kishanganj
2. Md. Azad S/o- Fazlur Rahman Village- Kesojhara Ps- Arrabari Dist- Kishanganj
3. Md. Ritto @ Hamidur @ Hamidur Rahaman S/o- Late Abdul Mannan @ Mannan R/o- Mohiuddinpur w.No-1, Ps- Kishanganj Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 21-01-2026 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. Learned counsel for the petitioners, at the outset, withdraws the anticipatory bail application on behalf of petitioner nos. 1 and 3 as the same has become infructuous.

3. The petitioner no. 2 apprehends his arrest in a case registered under Sections 190, 191(2), 126(2), 127(2), 115(2), 117(2), 109(1), 132, 303(2) and 324(5) of B.N.S.

4. As per the prosecution case, upon information of fake Indian currency being smuggled, the S.S.B personnel chased co-accused, Rabiul Islam and thereafter found him contacting other accused persons and upon police trying to nab the accused persons a



mob of hundred persons intercepted and even indulged in assault by means of rod, lathi and bricks etc.

5. Learned counsel for the petitioner submits that there are general and omnibus allegation of assault of causing obstruction and assault to S.S.B. personnel which is mob of more than 150 persons and there is no specific allegation on petitioner no.2. It is further submitted that there is no allegation upon the petitioner no. 2 being involved in any fake currency smuggling rather the same is specific against other co-accused persons. It has also been submitted that the very factum of his name specifically being given along with the parentage in a mob of 150 persons makes his involvement further suspicious. It has also been submitted that the injury reports, which would be evident from the case diary, also indicate that the injuries suffered by the informant and others are all simple in nature caused by hard and blunt substance.

6. The application for anticipatory bail is opposed by learned A. P.P. for the State.

7. Taking into consideration the facts and circumstances and also considering the fact that against this petitioner no.2 the allegation is not that of being involved in fake currency smuggling and the allegation being general and omnibus in nature of assault and coupled with the consideration of the nature of the injuries, let the petitioner no. 2 namely, Md. Azad, in the event of his arrest or surrender before the learned Court below within a period of four



weeks, be released on anticipatory bail in connection with Kishanganj P.S. Case No. 138 of 2025 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 Court below where the case is pending subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023, further subject to following condition (s):-

- (i) One of the bailors would be close relative/family members of the petitioner.
- (ii) The petitioner will cooperate in the investigation and trial and in case of any act of non-cooperation, the prosecution would be at liberty to move an application for cancellation of bail bonds of the petitioner.

(Soni Shrivastava, J)

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