

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68799 of 2025

Arising Out of PS. Case No.-214 Year-2025 Thana- BACHHWARA District- Begusarai

1. Md. Abbash, S/o Late Md. Razzak;
 2. Md. Parwez, S/o Late Md. Shamsul @ Md. Shamsul;
 3. Md. Mustakim @ Mustaque @ Md. Mustaque, S/o Late Md. Razzak;
- All are R/o Village- Siswa (Sishwa), Ward No. 12, P.S.- Bachhwara,
District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 21-01-2026 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Bachhwara P.S. Case No. 214 of 2025 registered for the offence(s) under Section(s) 126(2), 115(2), 303(2), 109, 118(1), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).

3. As per the prosecution case, the informant has alleged that the petitioners along with other seven to eight persons have assaulted him as well as his son. It has further been alleged that petitioner No. 3 was carrying a sword, while



the other two petitioners were also armed with iron rod and *farsa*.

4. The learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case and no such incident as alleged has occurred. It has been submitted that the present case is the counter blast to the earlier case lodged by the brother of petitioner Nos. 1 and 3. It has further been submitted that the present incident happened on account of some dispute with regard to certain land and the order of the same was passed in favour of the petitioners. However, the informant was disputing the same and it was, in fact, the informant who was the aggressor and in such act, the injuries were sustained.

5. The learned counsel for the petitioners has drawn the attention of this Court towards the injury report, which has been brought on record by way of supplementary affidavit, wherein the injuries sustained by the injured persons, namely, Md. Rahmat and Md. Kudus @ Md. Sahnawaz were found to be simple in nature caused by hard and blunt substance, while the injury report of Md. Usbair showed that grievous injuries were sustained by him. However, it is submitted that the same was found on the left hand between the index and the middle fingers.



It has lastly been submitted on behalf of the petitioners that petitioner Nos. 1 and 3 have two criminal antecedents against them, which arises out of the disputes with the informant and his agnates, whereas petitioner No. 2 carries one criminal antecedent against his name, which has been filed by the wife of the present informant.

6. The learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

7. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioners, above-named, be released on anticipatory bail, in the event of their arrest or surrender before the concerned Court/successor Court within a period of four weeks from today, on their furnishing bail bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court/successor Court where the case is pending in connection with Bachhwara P.S. Case No. 214 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the



following conditions :

(i) One of the bailors of the petitioners shall be their close relative and the other shall be a local resident.

(ii) The petitioners shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the concerned Court.

(iv) The concerned Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that he has concealed their criminal antecedent, the Court concerned shall take necessary steps for cancellation of their bail bond. 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.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

9. The application stands allowed.

(Sourendra Pandey, J)

Praveen-II/-

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