

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68107 of 2025

Arising Out of PS. Case No.-64 Year-2025 Thana- RAXAUL District- East Champaran

1. Najama Khatoon Wife of Musa Devan R/o - Kaurihar Mauze, P.S - Raxaul, District - East Champaran
2. Kabir Alam son of Late Jali Alam Devan @ Jane Alam Dewan R/o - Kaurihar Mauze, P.S - Raxaul, District - East Champaran
3. Musa Devan @ Musha Devan Son of Late Jali Alam Devan @ Jane Alam Devan R/o - Kaurihar Mauze, P.S - Raxaul, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binay Kant Mani Tripathi, Adv.
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the informant	:	Mr. Umesh Tiwari, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-03-2026 Heard Mr. Binay Kant Mani Tripathi, learned Counsel for the petitioners and Mr. Umesh Tiwari for the informant besides Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Raxaul P.S. Case No. 64 of 2025 for the offence registered under sections 121, 122, 115(2), 118(1), 109, 303 and 352 of BNS.

3. As per the prosecution story, the informant alleged that earlier, the accused persons assaulted Shah Jahan Khatoon and Muratvani Khatoon causing injuries and when the brother



of the informant later called Musa Devan (petitioner no. 2) as to why it happened, allegation is that Musa Devan gave *khanti* blow which hit Sabir Ali while the other accused assaulted to other family members and also took away Rs. 58,000/- from the pocket. The injured were shifted to Government Hospital, Raxaul which followed the FIR.

4. Learned Counsel for the petitioners submit that so far as allegation regarding assault on Shah Jahan Khatoon is concerned, it is omnibus in nature though the name of Musa Devan is there and further the second assault made by Musa Devan to Sabir Ali has been found to be simple in nature. So far as other two petitioners are concerned, omnibus allegation of assault/taking away amount is/are alleged.

5. Learned APP for the State as also learned counsel for the informant on the other hand submits that there is a repetition so far as the Musa Devan is concerned, inasmuch as not only he assaulted Shah Jahan Khatoon, he also resorted to injure Sabir Ali. It is to be noted that the injury of Shah Jahan Khatoon has been recorded as grievous by the learned Sessions Judge.

6. Considering the submissions of the parties as also the allegation that has come against the petitioner no. 3, Musa



Devan, his anticipatory bail application stands rejected.

7. So far as petitioner nos. 1 and 2, namely Najama Khatoon and Kabir Alam respectively are concerned, omnibus allegation is there against them, have no criminal antecedent, in that background, this Court is inclined to grant them the anticipatory bail with conditions.

8. Let the petitioner nos. 1 and 2, namely Najama Khatoon and Kabir Alam in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari in connection with Raxaul P.S. Case No. 64 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner nos. 1 and 2, namely Najama Khatoon and Kabir Alam, who shall provide official document (Aadhar Card, PAN Card, Driving License, Voter ID) to show his *bona fide*;

(ii) the petitioner nos. 1 and 2, namely Najama Khatoon and Kabir Alam 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 bail bond by the Trial court itself;

(iii) the petitioner nos. 1 and 2, namely Najama Khatoon and Kabir Alam 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 nos. 1 and 2, namely Najama Khatoon and Kabir Alam shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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