IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75117 of 2026

CNR No. BRHC011036262026

Arising Out of PS. Case No.-221 Year-2026 Thana- JAGDISHPUR District- Bhojpur

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1. Ekbal Hashami @ Langar S/O Late Nijamuddin Hashami R/O Kasab Mohalla- Ward no. 14, PS-Jagdishpur, Distt-Bhojpur, Ara
2. Chanda Khatoon @ Chand Tara W/O Ekbal Hashami @ Langar R/O Kasab Mohalla- Ward no. 14, PS-Jagdishpur, Distt-Bhojpur, Ara

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioners : Ms. Malti Kumari, Advocate
For the State : Mr. Ahmad Ali, APP
For the Informant : Mr. Ramchandra Singh, Sr. Advocate
Mr. Shankar Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL ORDER

2 28-10-2026 Heard the learned counsel for the petitioners, the learned APP appearing on behalf of the State and the learned senior counsel for the informant.

2. The petitioners apprehend their arrest in connection with Jagdishpur P.S. Case No.221 of 2026 for allegedly having committed offences under Sections 126(2), 115(2), 303(2), 109(1), 118(1), 352, 351(2) and 3(5) of B.N.S.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant, to the effect that his son Zahid Ansari is doing business of gas refilling for the last one year at Isadhi main road. On 24.06.2026

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his son returned from his shop at around 06:30 and was sitting along with his brother Kallu Ansari at Ashoka Computer shop, however in the meantime, co-accused, Ramzan Hashmi alias Mona assaulted the son of the informant namely Zahid Ansari with fists and slaps and also snatched his gold chain to the tune of Rs.1,20,000/- and fled away. Thereafter the said Ramzan Hashmi alias Mona went inside the lane and came with an illegal pistol and knife and started quarreling with the son of the informant. It has been alleged that both the petitioners herein, along with two other named accused persons were instigating accused, Ramzan Hashmi alias Mona, who is the son of the petitioners herein, to assault the son of the informant namely Zahid Ansari, upon which, Ramzan Hashmi alias Mona assaulted the son of the informant with a knife in his stomach, due to which he sustained injuries and thereafter he fled away with Rs.5000/-, which was kept in the pocket of the son of the informant. The son of the informant was taken for treatment at Dulaur Hospital and from there he was referred to Ara Sadar Hospital for better treatment.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have not committed any offence. She submits that the petitioners being the father and

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mother of the co-accused Ramzan Hashmi alias Mona, have been made an accused in the present case, although the entire allegation in the first information report has been levelled against co-accused, Ramzan Hashmi alias Mona. The only allegation, which has been levelled against the petitioners, is that they instigated their son, along with two other named accused persons, who assaulted the son of the informant. She submits that the injuries sustained by the son of the informant have been attributed upon co-accused, Ramzan Hashmi alias Mona and these petitioners have not assaulted the son of the informant. She submits that the petitioners are an accused in two other cases i.e. Jagdishpur P.S. Case No.389 of 2021 and Jagdishpur P.S. Case No.184 of 2024, however in both the cases they are on bail.

5. Per contra, the learned senior counsel appearing on behalf of the informant, while opposing the prayer for grant of anticipatory bail to the petitioners, submits that on the instigation of the petitioners, their son namely Ramzan Hashmi alias Mona brutally assaulted the son of the informant with a knife, due to which he sustained injuries. He submits that the petitioners are habitual offenders, since they have been made an accused in two other cases prior to the present case, therefore,

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they do not deserve the privilege of anticipatory bail.

6. The learned APP appearing on behalf of the State also opposes the prayer for grant of anticipatory bail to the petitioners and submits that the petitioners instigated their son to assault the son of the informant and they are an accused in two other cases, therefore, they do not deserve the privilege of anticipatory bail.

7. Having considered the rival submissions and after going through the records and from perusal of the first information report, it would transpire that specific allegation of assault and snatching Rs.5000/- has been levelled against co-accused, Ramzan Hashmi alias Mona, who is the son of the petitioners herein. The only allegation which has been levelled against the petitioners are that they instigated their son, along with two other persons, to assault the son of the informant, upon which he assaulted the son of the informant with a knife, due to which he sustained injuries.

8. Considering that no allegation of assault has been levelled against the petitioners and only allegation against them is that they instigated their son to assault the son of the informant, let the petitioners, above-named, in the event of their arrest or surrender within a period of six weeks, be released on

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bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Jagdishpur P.S. Case No.221 of 2026, subject to the conditions laid down under Section 482(2) of the B.N.S.S. with a further condition that:-

The learned court concerned shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court concerned shall take steps for cancellation of their bail bonds. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J.)

Sanjay/-

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