

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82203 of 2025

Arising Out of PS. Case No.-319 Year-2025 Thana- RAJNAGAR District- Madhubani

1. Md. Hashim, Son of Md. Ibrahim Resident of Village- Rampatti P.S- Rajnagar District -Madhubani
2. Md. Sakir, son of Md. Ibrahim Resident of Village- Rampatti P.S- Rajnagar District -Madhubani
3. Md. Ibrahim, son of Wajir Nadaf Resident of Village- Rampatti P.S- Rajnagar District -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Soban Asghar, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 15-01-2026 At the outset, learned counsel for the petitioners submit that during the pendency of the application, the petitioner no.3, namely, Md. Ibrahim, has been arrested and as such, the present application against the petitioner no.3 has become infructuous.

2. In view of the submission made by the learned counsel for the petitioners, the application against the petitioner no.3, namely, Md. Ibrahim stands dismissed as withdrawn as having become infructuous.

3. The present application now only survives for petitioner Nos.1 and 2, namely, Md. Hashim and Md. Sakir.



4. Heard learned counsel for the petitioners and learned A.P.P. for the State.

5. Petitioners apprehend their arrest in connection with Rajnagar P.S. Case No. 319 of 2025 registered for the offences under Sections 126(2), 115(2), 117(2), 118(1), 109(1), 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

6. As per the prosecution case, the informant has alleged that the named accused persons assaulted the informant with various means like farsa and sword. It is also alleged that the injured persons had received various injuries due to such assault.

7. Learned counsel for the petitioners submit that the petitioners are innocent and no such incident as stated had occurred. It has further been submitted that there was an altercation between the parties and for the same occurrence, a case and countercase were registered, and the petitioners' side has also filed FIR bearing Rajnagar P.S. Case No.321 of 2025. It has next been submitted that from perusal of the injury report, which has been brought on record by way of Annexure P-2, the injuries were found to be simple in nature and most of the injuries are superficial in nature and hence case under Section 109 of the BNS is not made out. It has lastly been submitted that



the petitioners have clean antecedent.

8. Learned APP for the State has vehemently opposed the prayer for anticipatory bail.

9. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioners nos.1 and 2, namely, Md. Hashim and Md. Sakir be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Rajnagar P.S. Case No. 319 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of 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.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

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

(iv) If the petitioners are found involved in



similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of their bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners has concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

10. Accordingly, the prayer for anticipatory bail is allowed.

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

(Sourendra Pandey, J)

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