

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90302 of 2025

Arising Out of PS. Case No.-396 Year-2022 Thana- KUDHNI District- Muzaffarpur

Md. Talim @ Talim Shah Son of Late Sadik Sah @ Late Sadik Rai Resident
of village -Bara Sumera Mugiyachak @ Sumera @ Afazalpur PS -Kudhani
(OP Turki) Dist -Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 15-01-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kudhani (O.P.-Turki) P.S. Case No. 396 of 2022, F.I.R dated 25.08.2022 registered for the offences punishable under Sections 341, 323, 324, 307, 447, 448, 379, 34 of the Indian Penal Code.

3. According to the prosecution case, on the alleged date of occurrence, the informant was present at his house when he heard children quarrelling. Thereupon, all the accused persons arrived at the spot and allegedly assaulted the informant and his family members. It is alleged that Md. Ladle assaulted the informant with a sword, Md. Aftab assaulted the informant's brother Md. Samshad, Md. Nausad assaulted the informant's mother Saira Bano, and Md. Talim (the petitioner) assaulted Md. Sarvar. It is further alleged that Md. Aftab snatched a gold



chain and ₹7,000 in cash. On these allegations, the present FIR was lodged.

4. Learned counsel for the petitioner submits that the allegations levelled in the First Information Report was investigated by the Police, and there being general and omnibus allegations against this petitioner *Md. Talim alias Talim Shah* he has not sent up for trial, but the learned Additional Chief Judicial Magistrate, 1st Muzaffarpur West, by differing with the police report, has taken cognizance. It has next been submitted that injury which is stated to have been caused to the informant and his other family members is simple in nature.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Be that as it may, since allegation is not corroborated with the injury report, *prima facie*, the case of anticipatory bail is made out, accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M, 1st West, Muzaffarpur in connection with Kudhani (O.P.-Turki) P.S. Case No. 396 of 2022, sul

ditions as laid down under Section



438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) 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/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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