

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91922 of 2025

Arising Out of PS. Case No.-209 Year-2025 Thana- RAGHUNATHPUR District- Siwan

Gulam Haidar S/O Asgar Ali @ Munna @ Munna Miya R/O Vill.- Khujwa,
P.S.- Raghunathpur, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 238 of 2026

Arising Out of PS. Case No.-209 Year-2025 Thana- RAGHUNATHPUR District- Siwan

1. Asgar Ali @ Munna @ Munna Miya S/o Late Mansoor Miya @ Mansur Ali R/o Village - Khujwa, P.S - Raghunathpur, District - Siwan
2. Riyasat Ali @ Reyasat Ali S/o Serajul Miya @ Serajuddin R/o Village - Khujwa, P.S - Raghunathpur, District - Siwan
3. Saddam Hussain @ Saddam Hussain Ansari S/o Kasim @ Kasim Ansari R/o Village - Khujwa, P.S - Raghunathpur, District - Siwan
4. Irfan @ Irfan Ali S/o Hasim @ Hasim Ansari R/o Village - Khujwa, P.S - Raghunathpur, District - Siwan
5. Samir Miya @ Shamsheer Ali @ Shamsheer Miya S/o Ahmad Miya R/o Village - Khujwa, P.S - Raghunathpur, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 91922 of 2025)

For the Petitioner/s : Mr. Prashant Kumar, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, Adv.

(In CRIMINAL MISCELLANEOUS No. 238 of 2026)

For the Petitioner/s : Mr. Prashant Kumar, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-01-2026 Heard learned Advocate appearing on behalf of the

petitioners and the learned Additional Public Prosecutor for the



State.

2. With the consent of the parties, both the bail applications arising out of the same P.S. Case are being heard together and disposed off by this common order.

3. The petitioners are apprehending their arrest in connection with Raghunathpur P.S. Case No. 209 of 2025, registered for the offences punishable under Sections 191(2), 190, 115(2), 74, 109, 351(2), 352 and 303(2) of the Bharatiya Nyaya Sanhita, 2023.

4. Based upon the written report the prosecution alleges that in the night of 04.08.2025, the petitioners variously armed with pistol, rod and *lathi* arrived at the house of the informant. On exhortation of Shamsheer Miya, accused Guddu, Miya and Saif Ali threw the informant on the ground. It is specifically alleged that the petitioners have sexually assaulted the informant and further the petitioner of Criminal Miscellaneous No. 91922 of 2025 alongwith Reyasat Ali assaulted the informant by means of iron rod over her back and shoulder. There is further allegation of snatching of valuables and cash kept in the shop of the petitioner.

5. Learned Advocate appearing on behalf of the petitioners submitted that the present case is nothing but an



outcome of previous enmity standing between the parties. Prior to the said occurrence co-accused Saddam Ansari had lodged Raghunathpur P.S. Case No. 54 of 2025 dated 02.03.2025 against the informant of the present case and others, against which the informant had lodged Raghunathpur P.S. Case No. 55 of 2025 by making similar allegation of causing sexual assault. It is further contended that subsequently on 02.08.2025, the mother of co-accused Saddam Ansari had lodged Raghunathpur P.S. Case No. 207 of 2025 on 02.08.2025 against the informant and her family members and in order to put pressure upon all the family members of the petitioners, the present FIR bearing Raghunathpur P.S. Case No. 209 of 2025 is instituted. The present case is nothing but the counterblast of Raghunathpur P.S. Case No. 207 of 2025. It is further contended that the informant has also instituted Raghunathpur P.S. Case No. 203 pf 2025. Moreover, the entire allegation falls to the ground for the simple reason that no sexual assault has been corroborated by the injury report and only one bruise and swelling with bleeding in right temporal region was found, the nature of which is said to be simple. The petitioner in Criminal Miscellaneous No. 91922 of 2025 is carrying fair antecedent whereas the petitioners of Criminal Miscellaneous No. 238 of 2026 bear 1-2



antecedent, except petitioner nos. 2 and 5 of the said case.

6. On the other hand, learned Advocate for the State and the learned Advocate for the informant vehemently opposed the pre-arrest bail application and submits that there is a specific accusation against all the petitioners, specially petitioner Gulam Haidar and Guddu Miya, who have sexually assaulted the informant and earlier also they were involved in committing the crime upon the informant and her family members and, as such, the petitioners do not deserve the privilege of anticipatory bail.

7. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that the injury report does not support the allegation of sexual assault and moreover the injury which has been found over the temporal region is simple in nature. The enmity is a two edged sword which may cut both the sides, besides prior to the institution for the present case, there is an FIR instituted by the petitioner's side bearing Raghunathpur P.S. Case No. 207 of 2025, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount **each** to the



satisfaction of the learned Judicial Magistrate in connection with Raghunathpur P.S. Case No. 209 of 2025, with the further following conditions:-

(i) That one of the bailors shall be the own/close family members of the petitioners.

(ii)If the petitioner is found involved in intimidating/threatening the witnesses or the informant or would indulge in such activities in future, the informant/State shall be at liberty to file appropriate application for cancellation of their bail bond(s).

(Harish Kumar, J)

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