

In the Court of Additional Sessions Judge-III, Darbhanga.
(Present: Sri Bhupendra Singh, Additional Sessions Judge-III, Darbhanga)
ABP No. 812/2026

(Arising out of Fekla P.S Case No.-42/2026, U/s- 126(2), 115(2), 118(1), 109, 76, 352, 351(2), 3(5) BNS).

In the matter of :-

1. Md. Kurwan, S/o- Late Md. Husain, aged about 57 years,
 2. Hafiz Abdul Rahman @ Abdul Rahman, S/o- Late Md. Husain, aged about 77 years,
 3. Md. Mahfuz Rahman @ Md. Mahfuzur Rahman, S/o- Abdul Rahman, aged about 52 years,
 4. Eftekhar @ Md. Estkhar, S/o- Md. Kurwan, aged about 28 years,
- All are resident of village- Parri, P.S- Fekla, District Darbhanga.

----- **Petitioners**

Versus.

The State of Bihar

----- **Opposite Party**

Learned counsel for the petitioner : Sri Shyam Lal Yadav, Advocate.
Learned counsel for Opp.Party : Sri Amrendra Narayan Jha, Ld. P.P.

Date of order:- 09.06.2026

ORDER

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in Fekla P.S Case No.-42/2026, registered for the offence punishable under Sections 126(2), 115(2), 118(1), 109, 76, 352, 351(2), 3(5) of Bharatiya Nyaya Sanhita (BNS).

It is submitted on behalf of the petitioners that they are innocent and have committed no offence. It is further submitted that the petitioners have clean antecedents and have been falsely implicated in this case. It is further submitted that no bail application has been filed earlier or pending in any form on behalf of the petitioners either before this Court or before any Superior Court and the allegations against the petitioners are omnibus and general and hence, prayed for anticipatory bail.

The Learned Public Prosecutor vehemently opposed the prayer for bail.

As per FIR, on 30.04.2026, due to previous land dispute, the petitioners and other co-accused having lathi, danda, tegari and sword in their hands, came at the door of the informant namely, Md. Amroz and abused and threatened to kill him. When the informant came out of the house, the petitioner Mahfuz Rahman assaulted him by a sword on his head and he sustained cut injury on his head and then co-accused Pappu and petitioner Estkhar assaulted him by lathi and he sustained injuries behind ear and on the head above eye. When his mother Wakila Khatoon, Sister Ruhi Parween, brother Sarfaroze came forward in his rescue, they were assaulted by the petitioner Md. Kurwan by a tangari and his mother sustained injuries on his left hand. The petitioner Md. Kurwan and co-accused Khalikul torn the cloths of her sister and sat on her chest. His brother Sarfaroze was assaulted by lathi and danda by Abdul Rahman, Hadila Parween and Sabnam Khatoon and they sustained injuries. When the locals started gathering there, the accused fled away. The injured were taken to DMCH, Darbhanga, where they received treatment. On the basis of written report of the informant, the FIR was lodged under Sections 126(2), 115(2), 118(1), 109, 76, 352, 351(2), 3(5) of Bharatiya

In the Court of Additional Sessions Judge-III, Darbhanga.
(Present: Sri Bhupendra Singh, Additional Sessions Judge-III, Darbhanga)
ABP No. 812/2026

(Arising out of Fekla P.S Case No.-42/2026, U/s- 126(2), 115(2), 118(1), 109, 76, 352, 351(2), 3(5) BNS).

Nyaya Sanhita (BNS).

Perused the record and case diary. It transpires that the prosecution version finds support from it. There is specific allegation against the petitioners Mahfuz Rahman and Estkhar that they assaulted the informant Md. Amroz by the sword and lathi. The injury report of the informant, injured Md. Amroz shows three injuries, out of which, two are lacerated wounds on frontal region of his head, while another is abrasion behind left ear but the same have been reported as simple.. The said injury report shows the evidence of extracalvarial soft tissue swelling in right high parietal and in both frontal regions. Evidence of left chronic otitis media and mastoiditis. Evidence of mucosal thickening in both maxillary, both frontal, both ethmoid & both sphenoid sinuses suggestive of sinusitis.

Having considered aforesaid including the specific allegation against **the petitioner Nos.3 & 4 namely, Md. Mahfuz Rahman @ Md. Mahfuzur Rahman and Eftekhar @ Md. Estkhar** and the said injuries which were caused on the head of the informant a vital part of the body, this Court is of the view that said petitioners do not deserve the privilege of anticipatory bail. Accordingly, their prayer for anticipatory bail is hereby, **rejected**.

So far, **the petitioner Nos. 1 and 2 namely, Md. Kurwan and Hafiz Abdul Rahman @ Abdul Rahman** are concerned, there is allegation against the petitioners Md. Kurwan that he assaulted by a tengari to the informant's mother but the injury report of the said injured only shows a lacerated wound over her left palm and the nature of injuries is simple. Other injured namely, the informant's sister Ruhi Parween and his brother also sustained simple injuries in the alleged occurrence which are tenderness and abrasion. It is submitted that the allegations regarding misbehave with the sister of the informant are superficial and ornamental. Having considered aforesaid, **let the petitioner Nos. 1 and 2 namely, Md. Kurwan and Hafiz Abdul Rahman @ Abdul Rahman be released on bail**, in the event of their arrest or surrender within four weeks from today, before the learned ACJM-IX, Darbhanga, on furnishing bail bond of Rs.10,000/- with two sureties of like amount each to the satisfaction of the said Court, subject to the conditions as laid down under Section 482 (2) BNSS.

(Dictated)

Sd/-

Addl. Sessions Judge-III, Darbhanga
09.06.2026