

In the Court of Sessions Judge, Darbhanga.**A.B.P. No. 868/2026**

1.Md. Akhtar @ Akat Ali, son of Md. Ramjani @ Ranjani Ali
 2.Md. Hakim, son of Late Md. Habeeb
 3. Md. Irfan, son of Md. Akhtar
 4. Abrar Alam @ Md. Abrar Alam, son of Tajuddin @ Md. Tajuddin
 All R/o Village- Benta, PS- Hayaghat , District-Darbhangha

.....Petitioners.

Versus

The State of Bihar..... Opposite Party.

For the petitioners: Shri Perwaj Alam ,Learned Advocate.

For the O.P.(State): Shri. A.N. Jha, Learned Public Prosecutor.

ORDER

09.06-2026: Application for anticipatory bail has been filed on behalf of the petitioners namely **1. Md. Akhtar @ Akat Ali, 2. Md. Hakim , 3. Md. Irfan, 4. Abrar Alam @ Md. Abrar Alam** who are apprehending their arrest in connection with Hayaghat P.S. Case No. 113/23 corresponding to T.R No. 3517/2024 for the offences U/ss. 341, 323, 308, 504, 506/34 of the IPC, pressed today.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor for the State.

3. The allegation is that on account of Muharram celebrations on 29.07.2023 participants were playing sticks, one Md. Furqan was accidentally injured meanwhile, meeting was called in the night of 30.07.2023 at about 8:00 PM after offering prayers, the informant reached near the house of Md. Akhtar, where stones and other objects were allegedly thrown at him from the rooftop, Raja Karim armed with a brick and spear allegedly threw it at the informant with the intention to kill him, causing a serious head injury then the informant ran towards Ashraf Ali house to save himself, all the accused persons Md. Akhtar, Md. Hakim, Raja Karim, Md. Irfan, Md.Abrar Alam, Md. Sharif, Md.Shamim, Nasrin Khatoon, Shamina Khatoon, Md. Irshad, Umera Khatoon, Najiya Khtoon,Sagufta Parween, Arman, Ajija Parween, Md. Nizam chased him and when people present at the meeting attempted to protect the informant, the accused allegedly attacked him as well Md. Akhtar assaulted Mustakim with an iron rod, causing injuries and Md. Shamim assaulted Ashraf Ali with a

stick and then accused entered house of Ashraf Ali, vandalized household property and misbehaved with the women member of the house and accused Nasreen Khatoon and Shagufta Praveen took away jewellery worth Rs. 2,50,000, the injured informant were taken to the Hayaghat Primary Health Centre for treatment, resulting into the institution of the present case.

4. It is submitted on behalf of the petitioners that the petitioners are quite innocent and have committed no offence and have falsely been implicated in the present case. It has further been submitted that no occurrence has alleged in the First Information Report has ever taken place rather the present case is counter blast of Hayaghat PS Case No.111/2023 and only to save the skin from the above case the present case has been instituted. The further submission is that after initiation of investigation the police did not opt to arrest the accused persons rather extended the benefit u/s 41(1) of the CrPC and charge sheet has also been submitted ruling out any possibility for inference during investigation, where cognizance has also been taken by the learned court below. Further submission is that there is nothing on record to suggest that the petitioners have ever misused the privilege granted u/s 41(1) of the CrPC rather they cooperated in the investigation. Hence, the petitioners may be granted the privilege of anticipatory bail.

5. On the other hand, the learned Public Prosecutor opposes the prayer for anticipatory bail.

6. Heard and perused the case record. Para no. 29 of the case diary reflects the re-statement of the informant supporting the occurrence. Para no. 6,7,8 of the case diary reflects the statement of witnesses supporting the occurrence. Para no. 09 of the case diary reflects the description of place of occurrence which appears situated in village Benta. Para no. 32 and 33 of the case diary reflects the statement of witnesses who stated that there was free fight took place between both the parties. Injury report of injured Md. Hakim reflects lacerated wound on the frontal scalp, simple in nature caused by hard and blunt

object. It appears that during investigation the petitioners were granted privilege u/s 41(1) of the CrPC and the police did not opt to arrest them and charge sheet has already been submitted ruling out possibility of inference during investigation.

7. Under the facts and circumstances of the present case, the nature of allegation and subsequent development during investigation the court does not find it appropriate to reject the anticipatory bail application of these petitioners. Hence consequently stands allowed. Accordingly, in the event of their arrest or surrender before the learned court below within four weeks from the date of receipt of this order, let the petitioners namely **1. Md. Akhtar @ Akat Ali, 2. Md. Hakim , 3. Md. Irfan, 4. Abrar Alam @ Md. Abrar Alam** be released on bail on furnishing bail bond of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount to the satisfaction of the Court of learned A.C.J.M.-VI,Darbhanga subject to conditions as laid down u/s 438(2) of the Cr.P.C..

Dictated

(Ajay Kumar Sharma)
Sessions Judge,Darbhanga.
09-06-2026.