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Santosh Kumar Pandey, D&ASJ – II, Darbhanga
ABP No. 1004/2026
(Arising out of Sadar P. S. Case No. 196/2026)
Md. Mohiuddin and others versus the State of Bihar.
Date of Order – 01.08.2026

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II, DARBHANGA

Anticipatory Bail Petition No. 1004/2026

1. Md. Mohiuddin s/o Md. Ityas @ Md. Ilyas,
2. Guriya Khatoon @ Aisha Tarannum w/o Md. Jkki @ Md. Jakki Babu,
3. Nazni Khatoon w/o Izharul Haque @ Md. Izharul Haque, all are resident of
Village - Loam, P.S. - Sadar, District - Darbhanga ----- Petitioners

versus

State of Bihar

----- Opposite Party

Appearance(s):

Counsel for the Petitioner(s) : Sri I. R. Bismil, Learned Advocate.

Counsel for the State : Sri A. N. Jha, Learned Public Prosecutor.

ORDER
01.08.2026

1. The present application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking the privilege of anticipatory bail in connection with Sadar P.S. Case No. 196 of 2026 dated 09.06.2026, registered for the offences punishable under Sections 191(2), 190, 126(2), 115(2), 118(1), 329(4), 109, 352 and 351(2) read with Section 303(2) of the Bharatiya Nyaya Sanhita, 2023.
2. The prosecution case, as unfolded in the First Information Report, is that on 02.06.2026 at about 7:30 P.M., while the Informant was sitting near the shop of one Aslam, all the named accused persons, namely Md. Qamre Alam, Md. Badre Alam, Md. Mohiuddin, Md. Shams, Guriya Khatoon, Nazni Khatoon along with four unknown persons, allegedly armed with iron rods, lathis, dandas and a sword, surrounded him owing to a previous dispute and started abusing him. It is alleged that accused Md. Qamre Alam assaulted the Informant on his head with a sword with the intention to kill, causing a bleeding injury. It is further alleged that accused Md. Badre Alam assaulted him with an iron rod on his shoulder, resulting in a fracture. The prosecution further alleges that petitioner No. 1, Md. Mohiuddin, caught hold of the Informant while co-accused Md. Shams inflicted a knife blow upon him. Thereafter, all the accused persons allegedly assaulted the Informant. It is also alleged that petitioner Nos. 2 and 3, namely Guriya Khatoon and Nazni Khatoon, snatched the Informant's gold chain and cash amounting to

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Rs.2,000/-. The injured was thereafter taken to Darbhanga Medical College and Hospital (DMCH) for treatment, following which the present FIR came to be instituted.

3. Learned counsel appearing for the petitioners submits that the petitioners are innocent and have been falsely implicated due to a long-standing land dispute between the parties, which itself constitutes the genesis of the occurrence as reflected from the FIR. It is argued that the allegations have been exaggerated to exert pressure in the underlying civil dispute. Learned counsel further submits that the parties have amicably resolved their differences and a joint compromise petition has already been brought on record. It is also contended that none of the petitioners has any criminal antecedent; they are permanent residents of the locality; there is no likelihood of their absconding; and they have never attempted to interfere with the investigation or influence the witnesses. Accordingly, it is prayed that the petitioners be extended the privilege of anticipatory bail.
4. Learned Public Prosecutor, on the other hand, has opposed the prayer for anticipatory bail by submitting that the allegations disclosed in the FIR are grave in nature, involving assault upon the Informant by deadly weapons. It is submitted that the petitioners are specifically named in the FIR and that the investigation is still in progress. According to the prosecution, custodial interrogation of the petitioners is necessary for a fair and effective investigation and, therefore, they do not deserve the extraordinary discretionary relief of anticipatory bail.
5. During the course of hearing, the Informant appeared in person before this Court and unequivocally acknowledged that the dispute between the parties has been amicably settled. The Informant further stated that although he had sustained injuries during the alleged occurrence, he did not suffer any grievous injury on any vital part of his body.
6. I have heard the learned counsel for the parties at length and carefully examined the materials available on record, including the case diary.
7. A perusal of the FIR reveals that all the petitioners have been named as accused. However, the specific role attributed to petitioner No. 1 is limited to catching hold of the Informant, whereas petitioner Nos. 2 and 3 are alleged to have snatched the Informant's gold chain and cash. Significantly, none of the present petitioners is

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alleged to have inflicted any weapon blow or caused any injury to the Informant. The allegations relating to assault with deadly weapons have been attributed to other co-accused persons. It further appears from the record that the present anticipatory bail application was instituted on 22.06.2026. Despite the lapse of considerable time, the prosecution has not produced the injury report of the Informant before this Court. Although the absence of the injury report is not by itself determinative of the issue of bail, the same assumes significance while assessing the necessity of custodial interrogation and the gravity of the allegations against these petitioners, particularly when no overt act of assault has been attributed to them. The case diary further discloses, particularly from paragraph 15 thereof, that none of the petitioners has any criminal antecedent. There is no material to indicate that the petitioners have evaded the investigation, attempted to tamper with evidence, influenced witnesses, or otherwise obstructed the due course of justice. On the contrary, they appear to be permanent residents of the locality, having sufficient roots in society, thereby substantially reducing the possibility of their absconding.

8. Another significant circumstance which deserves due consideration is that the genesis of the prosecution case itself appears to arise out of a pre-existing dispute between the parties. More importantly, during the pendency of the present application, the parties have amicably resolved their differences, and the compromise has been voluntarily affirmed by the Informant before this Court. The Informant has further clarified that he did not sustain any grievous injury on any vital part of the body. Though offences of the present nature are not rendered compoundable merely on account of a settlement, the fact of compromise is nevertheless a relevant circumstance for considering the prayer for anticipatory bail, particularly where the allegations against the applicants are comparatively limited and custodial interrogation does not appear indispensable.
9. Having regard to the totality of the facts and circumstances, namely, (i) the limited role attributed to the present petitioners, (ii) the absence of any allegation of assault by them, (iii) the absence of criminal antecedents, (iv) the amicable settlement arrived at between the parties and affirmed by the Informant before this Court, (v) the background of the previous dispute, (vi) the absence of any material

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suggesting that the petitioners are likely to abscond or interfere with the investigation, and (vii) the lack of any compelling necessity for custodial interrogation, this Court is of the considered opinion that the petitioners have succeeded in making out a fit case for grant of anticipatory bail.

10. Accordingly, the application stands **allowed**.
11. Let the petitioners, namely **Md. Mohiuddin, Guriya Khatoon @ Aisha Tarannum and Nazni Khatoon**, in the event of their arrest or surrender before the learned Court concerned within **six weeks** from the date of this order, be released on bail on furnishing bail bonds of **Rs.10,000/- (Rupees Ten Thousand only) each**, with **two sureties of the like amount each**, to the satisfaction of the learned Court concerned, subject to the conditions prescribed under **Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023**.

(Santosh Kumar Pandey)
Additional Sessions Judge-II
Darbhanga
01.08.2026

Date of Judgement/order	01.08.2026
Date of reserving judgement/order	01.08.2026
Uploading Date	05.08.2026
Uploaded by	Ashish Kumar, Stenographer.