

In the Court of Sessions Judge, Darbhanga, Camp Court, Benipur.**A.B.P. No. 159/2026**

- 1.Rehana Khatoon wife of Md. Ilyas
- 2.Sahana Khatoon wife of Md. Tanweer
- 3.Md. Taukir son of Md. Ilyas
- 4.Md. Tazim son of Md. Ilyas

.....Petitioners.

Versus

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

For the petitioners: Sri Navin Thakur, Learned Advocate.

For the O.P.(State): Smt. Punam Jha, Learned I/c Public Prosecutor.

ORDER

17-06-2026: Application for anticipatory bail has been filed on behalf of the petitioners namely **Rehana Khatoon, Sahana Khatoon, Md. Taukir and Md. Tazim**, who are apprehending their arrest in connection with Bahera PS Case No. 121 of 2026 for the offences U/Ss. 126(2), 115(2), 118(1), 117(2), 109, 351(2), 352 and 3(5) of the BNS, pressed today.

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

3. The allegation is that on the alleged date of occurrence of 20.02.2026 at about 12.30 PM accused Md. Iliyas, Md. Tazim, Md. Taukir, Rehana Khatoon, Sahana Khatoon, duly armed with lathi, stick, rod, farsa and sharp edged weapon came near the house of informant and started abusing the informant and when informant protested all of them, started assaulting him with lathi, danda. On the dictate of Md. Iliyas, accused Md. Taukir with intention to kill gave blow of farsa on his head, due to which he sustained injury and blood started oozing out and fallen on the ground. All the accused persons brutally assaulted the informant in his fallen condition. The villagers brought the injured to the Sub-divisional hospital Benipur for treatment and from where he referred to DMCH for better treatment, resulting into the institution of the present case.

4. It has been submitted that the accused-petitioners are innocent and have committed no offence and have been falsely implicated in this case. It has further been submitted that all the petitioners are alleged to have assaulted the informant by lathi, danda and subsequently the allegation is that one Md. Taukir, petitioner no.3 subsequently assaulted by farsa causing injury on head. The further submission is that whole allegation made in the First Information Report is false and concocted and has nothing to do with the ground reality. The further submission is that entire allegation also falls flat on the ground on the count that despite allegation of assault by all the accused persons and specifically alleged against accused Taukir that he assaulted by farsa, no injury caused by sharp cutting weapon has ever been reported, rather only one injury on the person of the injured has been reported, which is lacerated one. The further submission is that even if the allegation made in the written report is accepted as a gospel truth for a

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moment, no offence u/s 109 of the BNS is attracted in want of constituting ingredients since there is no allegation of repetition of blow alleged against any of the petitioners. The further submission is that both the parties belong to one and same family, whereas the informant and accused no.1 are full brothers having some partition dispute between them. Moreover, their dispute has been settled for which a compromise has also been arrived. Hence, they 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 diary. Para no.2 of the case diary reflects re-statement of the informant supporting the occurrence. Para no.5 of the case diary is the description of place of occurrence which appears situated in village Sabri Jama Mosqui. Para no. 8,9 of the case diary reflects the statement of witnesses supporting the occurrence and the witnesses state that on account of some dispute while construction of a new building the accused persons assaulted the informant. Para -25 of the case diary reflects clean antecedent of the petitioners. Para-32 reflects injury report of Md. Mansur, where one lacerated wound over vertex of head has been reported by the doctor and no opinion of injury has ever been submitted and there appears some good sense prevailed between the parties.

7. Under the facts and circumstances of the present case, the nature of allegation which is general and omnibus and since the injury report does not corroborate the manner of occurrence as alleged in the prosecution and coupled with the clean antecedent of the petitioners and the submission advanced on behalf of the parties, the prayer for anticipatory bail of the petitioners 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 **Rehana Khatoon, Sahana Khatoon, Md. Taukir and Md. Tazim** 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 learned Additional Chief Judicial Magistrate Benipur subject to conditions as laid down u/s 482(2) of the Bharatiya Nagrik Suraksha Sanhita.

Dictated


(Ajay Kumar Sharma)
Sessions Judge, Darbhanga,
Camp Court, Benipur
17-06-2026.