

In the Court of District & Addl. Sessions Judge , Biraul , Darbhanga.

Present

**Shri Shiv Kumar
District & Addl. Sessions Judge-Biraul**

Darbhangha, dated, the 16th March 2026

Anticipatory Bail Petition No. 86/2026

Halima Khatun & Ors.

.....Petitioners.

Versus

The State of Bihar

.....Opposite Party

Counsel for the petitioner :- Sri Uttam Chaupal, Ld. Advocate.

Counsel for the State :- Sri Bachcha Rai, Ld. APP

ORDER

16.03.2026 The present anticipatory bail petition has been filed on behalf of petitioners who are apprehending their arrest namely 1.Halima Khatun, W/o Md. Anu, 2.Rahisa Khatun, W/o Md. Manir, 3.Sallo Khatun, W/o Md. Fulo, 4.Md. Annu, S/o Md. Diljan, 5.Md. Manir, S/o Md. Diljan, 6.Md. Fulo, S/o Navijan in connection with Biraul PS Case No- 84/2026, for offence u/s 109(1), 329(3), 126(2), 115(2), 352, 351(2), 76, 3(5) of BNS which is pending in the Court of Ld. ACJM, Biraul, Darbhanga.

Heard Sri Uttam Chaupal, the Ld. Counsel for the petitioner and Sri Bachcha Rai, Ld. APP on behalf of the State.

The prosecution case in short is that, on 07.02.2026 at 7 AM, the son of informant namely Naiem was reached near the house of Md. Subhan all the accused in a planed way armed with lathi, danda, farsa, iron rod and garasa and vicious deadly weapons surrounded him and upon house the informant reached there then all the accused started filthy language and accused Md. Phullo ordered to kill him because he quarreled to me due to children. Upon protest by informant and his son upon the instigation of Md. Phullo committed marpit and Md. Munir hit upon the head of his son, with an intention to kill by iron rod which caused injury and fallen down unconsciously. To save him mother, wife and other family members came to whom Md. Matibul, Md. Annu brutally assaulted her. All by abusing threatened if any complaint is made they shall be killed them. His son was badly injured so he was admitted in Biraul, PHC from where he was referred to DMCH for better treatment.

The Ld. Counsel for the petitioners submits that the petitioners have not committed any offence and they are quite innocent. The petitioners have falsely been implicated in this false case at the instance of the enemies. That no such occurrence did ever take place as alleged in FIR. That all the alleged offences are bailable save and except offences u/s 109(1), 76 of BNS which have not attracted against these petitioners. That as a matter of fact the case has been compromised in between the parties. For that the petitioners are men and women of means and not likely to abscond and is ready to furnish the bail bonds to the satisfaction of the court, as such there is no chance of their absconding. So, it is prayed that accused person may be enlarged on bail.

On the other hand Ld. APP appearing for the State opposed the prayer for bail of the petitioner.

Heard, Submissions of both parties and perused the record and considering the discussion made above, The offence is u/s 109(1), 329(3), 126(2), 115(2), 352, 351(2), 76, 3(5) of BNS in which section 109(1), 76 of BNS is non bailable in nature. From the perusal of F.I.R. the petitioners are named accused in this case with allegation to variously equipped with lathi, danda and iron rod and collectively attacked on the head of the informant's son with intention to kill that made his head explode and blood started oozing. When the wife and mother of informant came to save then they were also assaulted. They also tried to outrage the modesty of informant son's wife. The attack has been done on the vital part of the body. The offences alleged against the accused petitioner is serious in nature and considering the aforesaid facts and circumstances of the case as well as gravity of offence I am not inclined to enlarge the petitioner on bail, the present anticipatory bail petition of the petitioners namely, 1.Halima Khatun, W/o Md. Anu, 2.Rahisa Khatun, W/o Md. Manir, 3.Sallo Khatun, W/o Md. Fulo, 4.Md. Annu, S/o Md. Diljan, 5.Md. Manir, S/o Md. Diljan, 6.Md. Fulo, S/o Navijan, ABP is hereby **Rejected**. In connection with Biraal PS Case No- 84/2026.

(Dictated and Corrected)

(Shri Shiv Kumar)
District & Addl. Sessions Judge
Biraal
16.03.2026