

In the Court of Sessions Judge, East Champaran at Motihari.

Present:-

Abhishek K. Das
Sessions Judge,
East Champaran at Motihari.

Anticipatory Bail Petition No. 1074 of 2026

1. **Khurshid Alam, aged about 73 years, S/o- Late Amin Sarwar.**
2. **Seraz Alam, aged about 51 years, S/o- Khurshid Alam.**
3. **Meraz Alam, aged about 43 years, S/o- Khurshid Alam.**
4. **Mustaque Alam, S/o- Khurshid Alam.**
5. **Sahbaz Alam, aged about 22 years, S/o- Seraz Alam.**
6. **Arbaz, aged about 22 years, S/o- Seraz Alam.**
7. **Irfan, aged about 19 years, S/o- Seraz Alam.**
8. **Husne Ara, aged about 42 years, W/o- Seraz Alam.**
9. **Robaida Khatoon, aged about 41 years, W/o- Meraz Alam.**
10. **Zikrun Nesha, aged about 70 years, W/o- Khurshid Alam.**
11. **Nazia @ Nazira Khatoon, aged about 20 years, D/o- Seraz Alam.**
12. **Nago Khatoon, aged about 73 years, W/o- Mazhar Alam.**

All R/o village- Jitpur, P.S. Chhauradano, District-East Champaran.

----- **Petitioners.**

Versus

The State of Bihar.

----- **Opposite party.**

Counsel for the Petitioners :- Md. Nadim Ahmad, Advocate.
Counsel for the State :- Sri Khublal Prasad, Public Prosecutor.
Counsel for the Informant :- Sri Arun Kumar Srivastava, Advocate.

10.03.2026

The petitioners are seeking anticipatory bail from their arrest in connection with Chhauradano P.S. Case No. 322 of 2025 for the offence u/ss 126(2), 115(2), 303(2), 74, 118, 117(2), 352, 351(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023.

In para-2 of the anticipatory bail petition, it is mentioned that no other anticipatory or regular bail petition has ever been filed earlier on behalf of the petitioners either in this Court or before the Hon'ble Patna High Court. As per para-3 of the anticipatory bail petition, the petitioners have one criminal antecedent vide Chhauradano P.S. Case No. 102/2023 lodged by the present informant.

The prosecution's case, in brief, as per alleged F.I.R. is that on 08.10.2025 at about 9:00 AM Khurshid Alam, Seraj Alam, Meraj, Mustaque, Sahbaz, Arbaj and Irfan started constructing hut and when informant asked, they tried to assault him, upon which the informant called 112 police and the matter was pacified. Furthermore, Mustaque, Seraj, Sahbaz and Arbaj assaulted the informant

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with slaps. Mustaque dashed the informant's sisters Anjum and Shabnam. Mustaque assaulted Anjum with *garansi*, resulting in head injury. Seraj dashed the informant's mother. Thereafter, Husne Ara, Robaida, Jikarun Nesha, Nazia and Nago attacked them and snatched the belongings of informant's mother and sisters. Prior to this occurrence, the accused persons had also assaulted the informant for which a case has been registered in Chhauradano Police Station by the informant.

The learned counsel for the petitioners has submitted that the petitioners are quite innocent and they have committed no offence. All the sections are bailable, except Sections 74, 318 and 303(2) of B.N.S. which are super addition. In fact, nothing has been taken place as alleged in the F.I.R. The petitioner Husna Ara has also filed a criminal case against the informant's side vide Trial No. 1337/2023. Both the parties are khas pattidars and there is land dispute between them. On these basis, it is prayed to allow the anticipatory bail petition.

The learned Public Prosecutor appearing on behalf of the State and learned counsel appearing on behalf of the informant have opposed the anticipatory bail on the basis of materials available in the case diary.

Heard both sides and perused the record. From perusal of the record, it transpires that the petitioners are named in the F.I.R. with the allegation that they assaulted the informant and his family members. As per para-17, 18 and 19 of the case diary, containing injury reports, Anjum Ara sustained incised wound 1-1/2" length on muscle deep middle head, lacerated wound 1/4" x 1/4" x 1/6" on top head and scratch 2-1/2" x 1/6" on right face. As per para-2 of the case diary, the informant in his restatement and fully supported the prosecution. As per para- 6, 7 and 8 of the case diary, the witnesses have supported the prosecution on the point of assault. As per para-3 of the anticipatory bail petition and para-26 of the case diary, the petitioners have one criminal antecedent. Learned counsel for the informant has filed photocopy of Chhauradano P.S. Case No. 102/2023 and photocopy of Chhauradano non-F.I.R. P.S. Case No. 34/2023. The F.I.R. itself shows that prior to this occurrence the accused persons had also committed occurrence with the informant for which he has lodged a case in Chhauradano Police Station. Investigation is under progress.

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In the facts of the case as discussed above and keeping in view the nature of allegation, materials available in the case diary and criminal antecedents of the petitioners, I am not inclined to give privilege of pre-arrest bail to the petitioners. Accordingly, the prayer for anticipatory bail of petitioners, namely, **Khurshid Alam, Seraz Alam, Meraz Alam, Mustaque Alam, Sahbaz Alam, Arbaz, Irfan, Husne Ara, Robaida Khatoon, Zikrun Nesha, Nazia @ Nazira Khatoon and Nago Khatoon** stands rejected.

(Dictated)

Sd/-

Sessions Judge
East Champaran at Motihari
10.03.2026