

Kadwa No. 170/2025
U/S 126(2), 115(2), 118(1), 109, 76, 303(2), 352, 351(2), 3(5) of the B.N.S.
Accused Name- Md. Shahil and Others
P.O.-Asutosh Rai. A.S.J.-II, Katihar
A.B.P. NO. 654/2026

IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE-II
DISTRICT-KATIHAR
(A.B.P. No. 654/2026)

In the matter of

1. Md. Shahil 2. Md. Baharuddin and 3. Naimuddin

.....**Accused/petitioners.**

Vs

State of Bihar.....Opposite Party.

Kadwa P.S. Case No. 170/2025

U/S- 126(2), 115(2), 118(1), 109, 76, 303(2), 352, 351(2), 3(5) of the B.N.S.

Ld, advocate for petitioner- Shri Md. Nawed Alam

Ld, A.P.P. for the State- Shri Md. Ajaz Alam

ORDER

04-06-2026- This anticipatory bail petition has been filed on the behalf of accused-petitioner namely **1. Md. Shahil 2. Md. Baharuddin and 3. Naimuddin** who are apprehending their arrest in connection with aforesaid case.

Heard the ld. counsel Shri Md. Nawed Alam appearing on the behalf of the petitioner and Ld. A.P.P. Shri Md. Ajaz Alam appearing on the behalf of the state and Ld. Advocate for the informant Shri Bikash Kumar Jha.

The prosecution case, in brief is that, informant to this case namely Md. Anish lodged a written report before S.H.O. Kadwa stating therein on dated 14.07.2025 his cow went away from his house then in the course of searching he saw that his cow had been tied with poll in half dead condition having seen he took his cow to his house and he convened a Panchayat and in the said Panchayat owner of field Md. Juber came and panch slapped fine Rs. 50,000/- on Md. Juber for causing such bad condition to the cow and again on dated 15.07.2025 panch slapped said fine amount upon Md. Juber and after that accused-petitioners namely Md. Shahil, Md. Baharuddin and Naimuddin and other accused persons named in F.I.R. having laced with lethal weapons surrounded him and told that they will not pay any amount and they will also take away the cow and after that they indiscriminately assaulted by the means of lathi, danda and for purpose of saving when Md. Asif, Md. Ashique and Bibi Sabana came then accused persons also abused and assaulted to them and accused namely Md. Gulfam and other accused Md. Wasim tore the saree and blause by dragging her and they also snatched silver chain worth eight thousand and accused namely Md. Juber and Md. Ekram made attack on the head of Ashique Raja and Asif Raja due to which theirs head got injured and accused persons also threatened to kill them. Later on all injured were treated at PHC, Kadwa.

On the other side learned counsel for the petitioners has reiterated all the grounds taken in the bail petition and has submitted that the petitioners are quite innocent and they have committed no offence at all and they have falsely been implicated in this case due to village politics. He has further submitted that the allegations which have been made against the petitioners are totally false and baseless

and concocted and no such type of occurrence took place as alleged by the informant. He has further submitted that on perusal of the F.I.R., there is no overact against petitioners, those accused persons have committed the overact, also been allowed A.B.P. in the court of A.D.J.-II, Katihar vide A.B.P. no. 982/2025 and the police also submitted the final form against the petitioners but the Ld. C.J.M. disagree with the final form and took cognizance of the offence against the petitioners. Besides more, the accused Zuber also filed a Criminal Case much earlier then this case against the informant and other vide Kadwa P.S. case no. 169/2025. Accused-petitioners have no bad criminal history. Accordingly, it has been prayed to allow the said anticipatory bail petition.

Per contra, learned A.P.P. has vehemently opposed the prayer for anticipatory bail and has submitted that allegation as levelled against the petitioners are very serious in nature so, petitioners don't deserve for anticipatory bail.

Heard the both parties at length and perused the entire case record. From record it is evident that some witnesses of the case diary have not supported the allegation of theft as well as tearing the saree and blouse of one of the victims of this case. Further, from perusal of the injury reports of victims to this case, it is evident that injured to this case has sustained only simple injury on his person and same has been reported to be caused by hard and blunt substance. Furthermore, there is some delay in lodging the F.I.R. and there is counter case between the both parties and as per bail petition petitioners have got no bad criminal antecedent. Further, some accused persons have already been granted privilege of anticipatory bail.

So having consideration the above facts and submission made by the Ld. Counsel for the petitioners, the instant anticipatory bail petition is hereby allowed and accordingly it is ordered to release the petitioners namely 1. Md. Shahil 2. Md. Baharuddin and 3. Naimuddin on bail in the case of surrender/arrest within three weeks of this order on furnishing of bail bond Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court concerned subject to the condition as mentioned in the section 482(2) of the B.N.S.S..

**Addl. Sessions. Judge-II
Katihar**

**Memo No..... Dated.....
Copy forwarded to, Katihar.**

**Addl. Sessions. Judge-II
Katihar**