

In the Court of Additional Sessions Judge -V, Muzaffarpur
Anticipatory Bail Petition No. 2827/2025
(Arising out of Aurai P. S. Case No. 144/2025)

In the matter of:

1. Hasnain, S/o Md. Salim, aged about 23 yrs,
 2. Md. Salim S/o Md. Haviv, aged about 62 yrs,
 3. Safi Ahmad S/o Md. Haviv, aged about 53yrs,
 4. Merajul Kumar S/o Md. Safi Ahmad, aged about 21 yrs,
- All Resident of Village - Babhangawan, Aurai P. S.- Aurai, District - Muzaffarpur

.....Petitioners

Versus

State of Bihar

:

..... Opposite Party

Appearance(s)

Counsel for the Petitioner(s)

: Raushan Kumar, Advocate,
Mukesh Paswan, Advocate

Counsel for the State

: Sadhusaran Prasad, Addl. PP.

Present: Suman Kumar Divakar
Bihar Superior Judicial Service

Order

16-04-2026

1. The Petitioners are praying for anticipatory bail in connection with Aurai P. S. Case No. 144/2025 registered for the offences under section 191(2), 190, 126(2), 127(2), 115(2), 118(1), 117(2), 109, 303(2), 352, 351(2), 351(3) of Bhartiya Nyay Sanhita, 2023 (hereinafter referred to as 'BNS' for short).
2. Briefly stated, the allegation against the petitioners are that they entered into house of the Informant and did marpit. The injured was taken to the PHC, Aurai with the help of the villagers. There are total fourteen persons are named in the FIR.
3. Learned Counsel for the petitioners submits that the petitioners were not arrested during the course of investigation. They had been on police bail. The charge sheet has been submitted. They have no criminal antecedent. In this backdrop, he prays for anticipatory bail.

4. Learned Additional Public Prosecutor has opposed the prayer so made on behalf of the petitioner.
5. Heard the parties. Considered the submission. Perused the material on record including case diary. It appears from the record that petitioners had been on police bail during the course of investigation. They had been served notice under section 35(3) of BNSS. The charge sheet has already been submitted. The injured persons had sustained simple injury. The police did not file the charge sheet under section 109 BNS. The learned Court concerned has taken cognizance under relevant provision of law minus section 109 BNS vide its order dated 09.03.2026.
6. In view of above and further, considering the position that the petitioners were not arrested during the course of investigation coupled with the fact that they have clean antecedent and the charge sheet has already been submitted, I am inclined to extend the petitioners the privilege of anticipatory bail. In the result, the present petition stands **allowed**.
7. It is ordered that the petitioners above named would be released on bail after being appeared before the learned Court concerned within fifteen days from the date of this order on furnishing bail bonds of Rs. 10,000/- of two sureties of the like amount each to the satisfaction of learned Court concerned. Further, the conditions as stipulated under section 482(2) BNSS.

(Suman Kumar Divakar)
Additional Sessions Judge-V
Muzaffarpur

Date of Judgement/Order	16.04.2026
Date of reserving Judgement/Order	16.04.2026

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