

COURT OF DISTRICT & ADDL. SESSIONS JUDGE III, SAHARSA
Present- Chandan Kumar
A.B.A. No.-466/2026
Arising out of Balwahat PS Case No.- 77/2024

Md. Habibul & 10 others

Petitioners

Versus

State of Bihar

Opp. Party

Date of order or proceeding	Order with signature of the court	Office action taken with date
01.07.2026	1. The present anticipatory bail application has been filed on behalf of accused petitioners namely 1. Md. Habibul, 2. Noor Alam, 3. Md. Jabed, 4. Md. Kamruddin, 5. Md. Jabbir, 6. Md. Munna, 7. Md. Rojit, 8. Md. Salauddin, 9. Md. Samsuddin, 10. Md. Bechan and 11. Md. Dukhan apprehending their arrest in connection with Balwahat PS Case No.-77/2024 for the offences punishable u/s 126(2), 115(2), 352, 351, 118(1), 74, 296 and 3(5) of BNS. Put up for hearing. 2. Heard Sri Rajeev Kumar Singh, learned counsel for petitioners as well as Sadanand Yadav, learned A.P.P. for the State. 3. The case of prosecution in brief as per written information of Umda Khatoon is that Md. Taiyab molested her daughter-in-law Rubi Khatoon on the point of weapon and her photo was posted on facebook and on protest Md. Taiyab, Md. Tahir, Md. Subhan, Md. Habibul, Noor Alam, Md. Jabed, Md. Kamruddin, Md. Jabbar @ Dhodhwa, Md. Munna, Md. Rojit, Md. Sallauddin, Soniya Khatoon, Gulshan Khatun, Md. Shamsuddin, Md. Bechan and Md. Dukhan armed with lathi, danda, iron rod and three nut came at her house and assaulted her husband with and made filthy languages and on objection Md. Raiyab armed with three nut in his hand assaulted on the head of her husband by the butt of three nut due to which his head was got lacerated. Thereafter Md. Tahir, Md. Subhan and Md. Samsuddin assaulted on his back by lathi and danda due to which he sustained injury on his	

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contd. 01.07.2026	back. Further when his son came to rescue him then Md. Javed and Md. Munna also assaulted him by iron rod and Md. Shamsuddin and Md. Kamruddin also assaulted Md. Hasan on his head and leg. Further when Bibi Nasima Khatoon came to rescue them Md. Noor Alam torn her blouse and also assaulted by stick in her hand. When Rubi Khatoon came to rescue then Md. Subhan knocked her down on the ground and torn her sit and molested her by catching her chest. All the accused persons broken the lock of the house of Rubi Khatoon and took out Rs. 2 lakh and killed the goat tied at her door and also assaulted other members of her family. Tarni Tanti, Karan Badhai, Vipin Paswan, Loha Paswan and others have seen the occurrence from their own eye and saved their life. With the help of nearby peoples her husband, son Jabbar, Md. Hasan and Nasima Khatoon were brought to Sub Divisional Hospital, Simri Bakhtiyarpur whereafter seeing the critical condition of Md. Bijli Hussain he was sent to Sadar Hospital Saharsa for better treatment. The accused persons threatened to face dire consequence if they lodge the case in police station. 4. Counsel for the petitioners have argued that earlier no bail petition either regular or anticipatory has been filed in this Court or before the Hon'ble High Court. Further it is submitted that petitioners are having no criminal antecedent. Further he submitted that petitioners are man of means and there are no chance of absconding or tempering with the record. Petitioners are ready to furnish the sound sureties to the full satisfaction of the Court. Lastly, it is stated that the petitioners deserve bail. 5. Learned A.P.P. opposed the prayer for bail. Learned counsel for the informant submitted that in this case pre arrest bail of two accused persons has earlier been rejected	
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contd. 01.07.2026	vide order dated 12.12.2024 passed in ABA No.-871 of 2024. However, he conceded that the present petitioners are different from those whose bail has earlier been rejected and also conceded that charge-sheet in this case has already been submitted against the present petitioners. 6. Perused the record. On perusal of the record, it appears that the present case has been registered for the alleged incident of assault and for and for using criminal force with the intent to outrage her modesty. However, there is no specific allegation of outraging modesty against the present petitioner. Further it appears that case was registered against 16 named accused persons and thereafter on completion of investigation no complicity of the present petitioners have been found and the charge-sheet has been submitted against the three accused persons only namely Md. Tahir, Md. Subhan and Md. Taiyab for the offences punishable under section 126(2), 115(2), 352, 351(2), and 3(5) of BNS which are bailable, however, the court proceeded against all the accused persons including those who were shown as not sent up along with three for whom charge-sheet has been submitted for the offences under Section 126(2), 115(2), 352, 351, 118(1), 74, 296, 3(5) of BNS. Further the anticipatory bail application of three accused petitioners were rejected at the stage of investigation while so far with respect to present petitioners is concerned now the investigation is complete and from the material available on record it appears that the injuries which were sustained by four persons but the nature of their injuries on all the injured are simple and were mainly either bruise/swelling/abrasion. Beside at this stage there is nothing on record to show that any custodial interrogation is required and also the alleged offences for which cognizance has been taken is not punishable for more	
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contd. 01.07.2026	than seven years. 7. Considering the injuries of the injured of the present case the accused petitioners namely 1. Md. Habibul, 2. Noor Alam, 3. Md. Jabed, 4. Md. Kamruddin, 5. Md. Jabbir, 6. Md. Munna, 7. Md. Rojit, 8. Md. Salauddin, 9. Md. Samsuddin, 10. Md. Bechan and 11. Md. Dukhan are directed to be released on bail in the event of their arrest or surrender on execution of the bail bonds of Rs.10,000/-(ten thousand) with two sureties each in the like amount by each of them within four weeks of the receipt of this order to the satisfaction of the learned court below subject to the conditions as laid down u/s 482(2) BNSS. (Dictated & corrected by me) Sd/- (Chandan Kumar) Additional Sessions Judge-III	