

09/04/26	<u>In the Court of Additional Sessions Judge-II, Supaul</u> <u>A.B.A.- 541/2026</u> <u>(Arising out of Pratapganj PS Case No.- 51/2026)</u> 1. Md. Ziauddin, S/o-Md. Ali Husan; 2. Md. Javed, S/o- Lal Mohammad; 3. Md. Raheesh, S/o- Md. Gulaay; 4. Avirun Khatun @ Anish Khatun, W/o- Md. Ali Husan; and 5. Kulsum Khatun, W/o Lal Mohammad, All R/o Village- Chhitaha, Ward No.- 01, PS- Pratapganj, District SupaulPetitioners Versus State of BiharOpposite Party Anticipatory bail application on behalf of above-named five petitioners, who are apprehending their arrest in connection with Pratapganj P.S. Case No. 51/26, registered u/s 126(2), 115(2), 118(1), 109, 76, 303(2), 352, 351(2)(3), 3(5) B.N.S. is fixed today for hearing. Heard Sri Bacchan Kumar Jha , the learned counsel for petitioners and Sri Lalan Prasad Singh, learned A.P.P. for the State. Informant and victim of the case have appeared during hearing of the bail application. Also heard Sri Amit Anand Advocate, who has filed separate <i>wakalatnama</i> on behalf of informant and victim. Prosecution's story as per FIR lodged by informant Shabana Khatun, in brief, is that on dated 27/02/26 at around 10:00 o'clock in the morning when person Md. Sameer was playing Cricket with her neighbour Md. Alihusan, then, during the course of playing both children started to abusing and fighting each other and then on hue and cry she went there and calm down both children and brought her son to her home. It is further alleged that on the same day at around 6:00 o'clock in the evening when informant was at her door then accused persons including these petitioners armed with Lathi, Danda and Rod came at the door of informant and surrounded her and started abusing then she protested to do so. Upon this all accused persons started beating the informant with fist and slaps and during the course of <i>marpit</i> an accused person Md. Ziauddin with the intention of killing her wrapped <i>gamchcha</i> in the neck of informant and threw her on the ground and started pulling and dragging by the <i>gamchcha</i> due to which informant became half necked and her modesty was outraged. It is further alleged that during the course of <i>marpit</i> accused Md. Javed assaulted with Lathi to the informant's abdomen and back due to which, informant got inner injury in the abdomen. It is further alleged that upon hue and cry, her husband and sons came to save her then all the accused persons also abused and assaulted them. It is further alleged that during the course of <i>marpit</i> accused Md. Raeesh assaulted with iron rod to both sons of informant due to which both sons became injured and fell down on the ground and become unconscious. It is further alleged that accused Avirun Khatun took away a silver chain from the neck of the informant and other accused persons also entered into the house of the informant and broke the box and took away Rs. 20,000 cash from that box. It is further alleged that on pother near by people came then accused fled away by giving threatening to kill. It is further alleged that after occurrence informant and her both injured sons got treatment at Community Health Centre, Pratapganj, where they were referred to Sadar Hospital, Supaul, for better treatment. Hence this FIR. Learned counsel for the petitioners submitted that they are quite innocent and have	Contd..
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not committed any offence and have been falsely implicated in this case due to land dispute. It is further submitted that no other bail application has been filed in any court on behalf of petitioners. He further submits that petitioners don't have criminal history and the alleged offence is not made out against them. It has been placed that both sides have arrived at compromise and a duly signed compromise petition has also been attached with the instant bail application. It is also submitted that the petitioners are ready to furnish solvent bailors, wherefore, it is prayed that the petitioners be admitted to anticipatory bail.

Learned A.P.P. opposes this anticipatory bail petition and prays to reject the same. However, the learned counsel of informant and victim submits to pass appropriate order in view of compromise developed in his case.

Heard and perused the entire case record. As per FIR, petitioners are mainly alleged to have assaulted the informant and her family members. The informant is also present before the court and stated that the due to children scuffle took place between both parties and no any family members got serious injury and she is also illiterate lady and she does not know what has been written in application. Moreover, she also and her family members admitted the factum of compromise. In support of the said averments of the informant, a compromise petition, duly signed by both parties have also been filed. As per the same compromise petition there does not exist any enmity between both sides, wherefore, the informant and the victim do not wish to pursue with the case anymore. It also appears that the case has been lodged after a delay of two days from the date of alleged occurrence. Though, the prosecution has not furnished the case diary so far, petitioners have submitted, vide para (iii) of grounds of bail, that they are of clean antecedent.

In view of aforesaid discussions, the instant anticipatory bail application is **Allowed**. Accordingly, petitioners **1. Md. Ziauddin, 2. Md. Javed, 3. Md. Raheesh, 4. Avirun Khatun @ Anish Khatun and 5. Kulsum Khatun**, in the event of their arrest or surrender before the learned court below within 15 days from the date of receipt / production of a copy of this order, are directed to be admitted to anticipatory bail on furnishing respective bail-bonds of Rs. 10,000/- (Ten Thousand) each with two reliable sureties of the like amount each to the satisfaction of learned court below under the provisions of section 482(2) of BNSS.

Dictated

(RAKESH KUMAR-III)
ADDITIONAL SESSIONS JUDGE-II
SUPAUL