

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37170 of 2026

Arising Out of PS. Case No.-155 Year-2020 Thana- TRIVENIGANJ District- Supaul

1. Md. Navi Hasan @ Nabi Hasan S/o Md. Sadrul @ Sadrul Hasan R/o Village - Barahkurba, P.S. - Triveniganj, District - Supaul.
2. Md. Irshad S/o Md. Samim @ Mohammad Samim R/o Village - Barahkurba, P.S. - Triveniganj, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 28-07-2026 Heard the learned Advocate for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Tirveniganj P.S. Case No. 155 of 2020, registered for the offences punishable under Sections 144, 149, 448, 341, 323, 307, 380 and 354(B) of the Indian Penal Code.

3. Allegedly, on the given date and time of occurrence, all the accused persons, including the petitioners and some unknown persons, barged into the house of the informant, variously armed, and assaulted the informant and his family members. It is specifically alleged that the petitioner no. 1 assaulted the informant by means of *farsa* over his head, due to which he sustained serious injuries, whereas petitioner no. 2 assaulted the cousin of the informant by means of the *dabia*



over his head, due to which he sustained head injury. Besides, there is further allegation of other accused persons of causing assault and snatching valuables.

4. Learned Advocate for the petitioners submitted that the alleged occurrence took place on 05.06.2020, but surprisingly the FIR came to be instituted on 17.06.2020, and the delay of 12 days has not even been explained. Thus, the false implication of the petitioners and exaggeration at the hands of the informant cannot be ruled out. So far the allegation against the petitioner no. 1 is concerned, though the injury report opines that he sustained two incise injuries, but only stated to be dangerous to life and has not been disclosed as to whether it is grievous or simple. *Prima facie*, it appears to be simple in nature. So far the injury which is allegedly sustained to the cousin of the informant is concerned, the same does not corroborate the allegation of causing *dabia* blow, as the injury is lacerated and simple in nature. There is counter version of the present case being Triveniganj P.S. Case No. 163 of 2020, and the alleged occurrence took place in the premise of land dispute. The petitioners are carrying fair antecedent as has been stated in paragraph no. 3.

5. On the other hand, learned Advocate for the State



opposed the pre-arrest bail application and submits that the petitioners have actively participated in the crime and brutally assaulted, due to which two persons have sustained injuries.

6. Having considered the submissions advanced on behalf of the learned Advocate for the respective parties and taking note of the inordinate delay in lodging of the FIR, besides the factum of case and counter case, coupled with the fair antecedent of the petitioners, as also the injury report which has not precisely disclosed that the nature of injuries are grievous, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned ACJM- 1st, Supaul in connection with Tirveniganj P.S. Case No. 155 of 2020, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

