

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4192 of 2024

Arising Out of PS. Case No.-420 Year-2022 Thana- NATHNAGAR District- Bhagalpur

1. Md. Soharab @ Md. Sohrab Son Of Md. Sharif Resident Of Mohalla - L.N. Singh Lane Nathnagar, Police Station - Nathnagar, District - Bhagalpur
2. Md. Sakib Khan @ Md. Shaquid @ Md. Shaquib Son Of Md. Sharif Resident Of Mohalla - L.N. Singh Lane Nathnagar, Police Station - Nathnagar, District - Bhagalpur
3. Md. Safaraz @ Md. Sarafray Son Of Md. Soharab @ Md. Sohrab Resident Of Mohalla - L.N. Singh Lane Nathnagar, Police Station - Nathnagar, District - Bhagalpur
4. Md. Meharab @ Md. Mehrab Son Of Md. Soharab @ Md. Sohrab Resident Of Mohalla - L.N. Singh Lane Nathnagar, Police Station - Nathnagar, District - Bhagalpur
5. Md. Razy @ Md. Razi Alam Son Of Md. Soharab @ Md. Sohrab Resident Of Mohalla - L.N. Singh Lane Nathnagar, Police Station - Nathnagar, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Najmul Hodda, Adv.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2024 Heard Md. Najmul Hodda, learned counsel for the
petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Nathnagar P.S. Case No. 420 of 2022 registered for the offences punishable under Sections 341, 342, 323, 307, 325, 504 and 506/34 of the Indian Penal Code.

3. Allegedly, while the informant along with other family members were in their house, in the meantime, all the



accused persons named in the FIR came there and started abusing. On protest being made, petitioner no.3, Md. Sarfaraj assaulted the informant by means of iron rod, causing head injury to her. Further allegation has been levelled against the petitioner no.4, Md. Meharab, that he also assaulted the informant by means of iron rod, causing fracture injury over her left hand. Thereafter, all the accused persons assaulted the informant and others.

4. It is submitted on behalf of the petitioners that from the narratives of the FIR, it is evident that the informant is none else but the sister of petitioners no. 1 and 2, who was residing along with other sister in the same house, which has been allotted to them by her father and the occurrence has arisen on account of the family feud. Further submission is made that the present case is nothing but a counter blast of Nathnagar P.S. Case No. 406 of 2022 instituted by petitioner no.1, Md. Sohrab against the informant and others. He next submitted that during the course of investigation, the informant and her son, namely, Asgar Ali were medically examined. So far as the injury sustained to Asgar Ali is concerned, the same is found to be simple in nature whereas one of the injuries, which is said to be fracture of ulna, sustained to the informant, is found to be grievous in nature. He



also submitted that admittedly the injury sustained to the informant, is not on the vital part of her body and, in fact, on a free fight, the informant sustained fracture injury due to falling on the hard surface. He next submitted that besides the present case, the petitioners are also facing one another criminal case, which has also been instituted by the same informant and except that the petitioner has no criminal antecedent. The petitioners undertake that they will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State, opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the relationship between the parties and the case and counter case, coupled with the injuries and the undertaking given before this Court, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Nathnagar P.S. Case No. 420 of 2022, subject to the condition as laid down under



Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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