

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80201 of 2024

Arising Out of PS. Case No.-398 Year-2023 Thana- UDAKISHUNGANJ District-
Madhepura

- 1. Md. Adil Son of Md. Ilias R/O-Village- Gwalpara, Ward No.14, Muslim Tola ,PS -Bihariganj ,District -Madhepura
- 2. Md Nehal @ Md. Nihal Son of Md. Ilias R/O-Village- Gwalpara, Ward No.14, Muslim Tola ,PS -Bihariganj ,District -Madhepura
- 3. Md. Shabir @ Md. Thithra Son of Md. Ilias R/O-Village- Gwalpara, Ward No.14, Muslim Tola ,PS -Bihariganj ,District -Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 6195 of 2025

Arising Out of PS. Case No.-398 Year-2023 Thana- UDAKISHUNGANJ District-
Madhepura

Md. Kasim S/o Md. Yusuf R/o vill - Gorpar, Muslim Toal, P.S. - Bihariganj,
Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 80201 of 2024)

For the Petitioner/s : Mr.Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

For the Informant : Mr. Bambahadur Jha, Advocate

(In CRIMINAL MISCELLANEOUS No. 6195 of 2025)

For the Petitioner/s : Mr.Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 22-04-2025 Both the applications have been heard together as they
arise out of the same P.S. case.

2. Heard learned counsel for the petitioners and



learned APP for the State.

3. The petitioners apprehend their arrest in connection with Udakishunganj P.S. Case No.398 of 2023 registered for the offences punishable under Sections 341, 323, 307, 324, 379, 504 and 506/34 of the Indian Penal Code.

4. The First Information Report has been lodged against as many as 11 persons and the petitioners are also amongst them. The main allegation is against one Md. Iliyas that he assaulted the informant by way of a spade on his head and thereafter the allegation on Md. Adil (petitioner no.1) is that he also assaulted the informant with rod on the head but the same was stopped by the hand of the informant and thus, the informant received injury on his hand. The allegation on petitioner no.2, Md. Nehal and petitioner no.3, Md. Shabir @ Md. Thithra is that they along with other accused persons assaulted Durga Yadav who had intervened in the matter to rescue the informant with iron rod, lathi etc.

5. Further, there is a general and omnibus allegation of assault upon Md. Kasim, who is a petitioner in Cr.Misc.No.6195 of 2025 that he along with Md.Naushad assaulted by means of iron rod etc.

6. Learned counsel for the petitioners submits that it



would be evident from perusal of the FIR itself that the main allegation of assault upon the informant which has caused injury on his head is upon Md. Iliyas who has already been granted regular bail in the matter. So far as the allegation attributed to petitioner no.1 is concerned, the same is of causing injury on the hand of the informant which is said to be grievous in nature.

7. At this stage, learned counsel for the petitioners submits that the very nature of injury suffered as would be seen from the injury report, it would be evident that the same is in the nature of lacerated wound caused by hard and blunt substance which has been stated by the doctor to be grievous and the authenticity of the injury report has also been challenged on behalf of the petitioners before the medical board. However, the injury is only on the non-vital part of the body. The injuries attributed to the petitioners no. 2 and 3 caused to Durga Yadav are simple in nature and the third injury which has been reserved is that of complain of headache. So far as the allegation on Md. Kasim is concerned, the same is general and omnibus in nature with no corresponding injury.

8. Further, it has also been pointed out that there is a bonafide dispute of land between the parties and there is a case and counter case and the case filed by one of the co-accused of



the case Md. Iliyas, who is also the father of the petitioners has been brought on record by way of Annexure-P-4, which is Udakishunganj P.S. Case No.399 of 2023.

9. The application for anticipatory bail has been vehemently opposed by the learned APP for the State and also learned counsel for the informant by stating that the petitioners have shown their highhandedness by assaulting the informant and his family members and have also caused injuries, some of which, are even serious in nature.

10. Considering the rival submissions of the parties and also taking into consideration that the injuries caused by the present petitioners are mostly simple and the ones which are shown to be grievous are on non-vital part of the body and are even subject matter of challenge and further that the petitioners have no criminal antecedent, I am inclined to extend the privilege of anticipatory bail to the petitioners. 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Udakishunganj, District-Madhepura



in connection with Udakishunganj P.S. Case No.398 of 2023,
subject to the condition as laid down under Section 438 (2) of
the Cr.P.C. and subject to the further condition that the
petitioners shall cooperate in the investigation/trial.

(Soni Shrivastava, J)

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