

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12839 of 2025

Arising Out of PS. Case No.-326 Year-2024 Thana- MURLIGANJ District- Madhepura

Md. Azam S/O Md. Idrish R/O Vill.- Sonbersha Tola, Bhatkhora Ward no. 7,
P.S.- Murliganj, Dist.- Madhepura.

The State of Bihar

Versus

... .. Petitioner/s

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Uday Chand Prasad, Adv
: Mr. Manoj Kumar, Adv
: Ms. Pooja Prasad, Adv
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

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27-08-2025

Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Murliganj P.S. Case No. 326 of 2024 registered for the offences under Sections 126(2), 118(1), 109, 352, 351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita.

3. The petitioner is named in the F.I.R. and is in custody since 28.10.2024.

4. The allegation against the petitioner is to assault informant along with other nine co-accused persons by using iron rod, sword and *farsa* etc., where during the course of occurrence informant/injured received grievous head injury, which was found to be caused by sharp edged weapon.



5. Learned counsel appearing on behalf of the petitioner submitted that allegation of assault with sharp edged weapon on the head of informant is also available against Md. Khalid, therefore, it cannot be said that injury as alleged was specifically caused by this petitioner. It is submitted that injury as alleged to be caused by this petitioner not appears repeated in view of statement of injured himself without having any intervening circumstances and, therefore, it can be said prima-facie that petitioner was “not under intention to cause his death”. It is pointed out that merely on the basis of nature of injury and as same was made on non-vital part of the body, it cannot be said that petitioner was under intention to cause death as same can be gathered from several factors, which are required to be look, in view of legal report of Hon’ble Supreme Court as available through **Jage Ram and Others Vs. State of Haryana, [(2015) 11 SCC 366]**. While concluding the argument it is submitted that investigation of this case has already completed, and as such, there is no chance of tampering with the evidence. It is pointed that till date not even a single prosecution witness was examined.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of aforesaid factual submission and by taking



note of fact as informant/injured prima-facie appears assaulted on his head by co-accused also by sharp edged weapon, coupled with the fact as petitioner remains in custody since 28.10.2024 and till date not even a single prosecution witness was examined, accordingly above named petitioner, is directed to be released on bail in connection with Murliganj P.S. Case No. 326 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Madhepura/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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