

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17295 of 2025

Arising Out of PS. Case No.-11 Year-2019 Thana- GOPALPUR District- Bhagalpur

1. Md. Bhikho @ Bhikhan Alam @ Alam, Son of Late Saneef Uddin, Resident of Village- Baisi Jahangirpur, Ward No.3, P.O.- Baisi Jahangirpur, P.S.- Rangra, Distt.- Bhagalpur
2. Md. Izrail @ Ijarail, Son of Late Saneef Uddin, Resident of Village- Baisi Jahangirpur, Ward No.3, P.O.- Baisi Jahangirpur, P.S.- Rangra, Distt.- Bhagalpur
3. Md. Tajamul @ Md. Tajmul, Son of Late Saneef Uddin, Resident of Village- Baisi Jahangirpur, Ward No.3, P.O.- Baisi Jahangirpur, P.S.- Rangra, Distt.- Bhagalpur
4. Md. Mahtab @ Mahtab Alam, Son of Md. Muslim, Resident of Village- Baisi Jahangirpur, Ward No.3, P.O.- Baisi Jahangirpur, P.S.- Rangra, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Mumtaz Uddin, Advocate
For the Opposite Party/s : Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 14-05-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Gopalpur (Rangra) P.S. Case No. 11 of 2019 registered for the offences punishable under Sections 341, 323, 308, 504, 354, 506/34 of the Indian Penal Code.

3. Based upon the written report, it is alleged that while the accused persons were forcibly obstructing and fencing the way of the informant; whereupon protest was made by the



informant, all the petitioners along with others caught hold the informant and brutally assaulted her by *Lathi, Danda* and fists and slaps. When the son of the informant came to her rescue, he was also assaulted by the accused persons.

4. Learned Advocate for the petitioners contended that in fact on account of a dispute arising out of access to their houses, both the parties have entered into a free fight, leading to injuries to the persons of both sides. There is a counter version of the present case, being Gopalpur (Angra) P.S. Case No. 20 of 2019. The injuries, which are allegedly sustained to the informant and her son, the same have been found to be simple in nature. Considering the aforesaid facts the petitioners were accorded the privilege of Section 41A of the Cr.P.C., however, the police submitted final report, whereupon cognizance has been taken for the offences lodged in the F.I.R., hence the petitioners moved before the learned Court of Sessions, but the prayer for bail came to be rejected.

5. A supplementary affidavit has been filed on behalf of the petitioners and submission has been made that since the petitioners were accorded the benefit under Section 41A of the Cr.P.C., they could not move before this Court, however, when the petitioners received summons dated 05.02.2025, for their



appearance on 11.04.2025, they rushed to this Court.

6. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the prayer for bail of the petitioners were rejected long back on 12.02.2021 and direction was given to surrender and seek regular bail, but they sat tight over the matter and after four years the petitioners have moved before this Court.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners have been accorded the privilege of Section 41A of the Cr.P.C. and they have been summoned ultimately on 25.02.2025, coupled with the factum of case and counter case and the simple nature of injury, as also the fair antecedent, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Naugachia, Bhagalpur in connection with Gopalpur (Rangra) P.S. Case No. 11 of 2019, subject to the condition as laid down under 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the



further condition that one of the bailors shall be the own/close
relative of the petitioners.

(Harish Kumar, J)

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