

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23632 of 2025

Arising Out of PS. Case No.-161 Year-2024 Thana- KUDHNI District- Muzaffarpur

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1. Md. Halim @ Mo. Halim S/O Mo. Hamid Resident of Village- Karamchand Balada, P.S- Kudhni, District- Muzaffarpur.
 2. Md. Afroz @ Mo. Afroz S/O Md. Halim @ Mo. Halim Resident of Village- Karamchand Balada, P.S- Kudhni, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sagar Kumar

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Kudhni P.S. Case No. 161 of 2024 registered for the offences punishable under Sections 109, 352, 126(2), 115(2), 117(2), 303(2), 3(5) of the BNS, 2023.

3. As per prosecution case, petitioner no. 1 assaulted the informant's son by means of iron rod upon his left hand as a result of which the bone of said hand got fractured. It is alleged that petitioner no. 2 assaulted the informant's wife by means of iron rod upon her left side of the body as a result of which she sustained injury on the said part of the body.



4. Learned counsel for the petitioners submits that from the perusal of FIR, it appears that the allegation of assault against the petitioners is upon the non vital part of the body. He further submits that there is case and counter case on the same date of occurrence and free fighting cannot be ignored. He further submits that petitioners are falsely implicated in the present case due to the land dispute between the petitioner no. 1 and the informant who are full brothers. He further submits that there is land dispute between the parties and in the case of land dispute, facts are generally exaggerated to make the offence graver. Petitioners are innocent and have committed no offence as alleged in the FIR. Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like



amount each to the satisfaction of learned Judicial Magistrate Ist
Class, Muzaffarpur in connection with Kudhni P.S. Case No.
161 of 2024, subject to the conditions as laid down under
Section 482 of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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