

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30256 of 2025

Arising Out of PS. Case No.-233 Year-2024 Thana- AMAUR District- Purnia

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1. Sarbul S/o Ghyasuddin @ Riyasuddin @ Rais Uddin R/o Laltoli, P.S.- Amour, Dist.- Purnea
 2. Sarwar S/o Md. Jumadin R/o Bahadurpur, P.S.- Amour, District- Purnea
 3. Tajmul @ Tajmul Hassan @ Md. Tajmul S/o Mohiuddin R/o Talbari, P.S.- Amour, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md Fazle Karim, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 14-08-2025 Heard learned Advocate for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Amour P.S. Case No.233 of 2024, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 302, 504 and 506 of the Indian Penal Code.

3. Allegedly, while the informant was at her home, in the meanwhile, twenty named accused persons along with 50-60 unknown persons armed with deadly weapons barged into her house and started creating ruckus and dismantled her house made of tin. It is further alleged that the accused persons took the informant's husband at the courtyard of co-accused



Mustaque and assaulted him with stick and iron rod with intention to kill him. When the informant's sister-in-law came to his rescue, co-accused Md. Sharabul inflicted a knife blow in her cheek due to which she sustained serious injury. Co-accused Saheda and Sajid assaulted the informant's sister-in-law Rukhsana with iron rod over her head. Md. Mustaque had brutally assaulted the informant's brother-in-law. All of them were referred to Referral Hospital, Amour; however, during the course of treatment, Shahraja, husband of the informant, succumbed to his injuries.

4. Learned Advocate for the petitioners contended that petitioners no.1 and 2 are son-in-law of co-accused Md. Mustaque and petitioner no. 3 is a distant relative; only on account of they being close relatives, their names have been implicated in this case. So far petitioners no.2 and 3 are concerned, there is no allegation of any overt act; however, the allegation has been levelled against petitioner no.1 that he inflicted a knife blow over the cheek of Shakeela Khatoon. The genesis of the occurrence is said to be a land dispute, which resulted into free fight between both the parties and, in fact, it is the informant, who in order to put pressure upon Mustaque and his family, implicated all his relatives, including the petitioners.



The petitioners are men of fair antecedent and they undertake that they will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submitted that besides causing death of the informant's husband; so far the injuries sustained to Shakeela Khatoon is concerned, the same has been found to be grievous in nature.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the injury report, which is not corroborated with the allegation, inasmuch as, there is no sharp cut injury found over the cheek of Shakeela Khatoon and the injury which is reported, is found over the right frontal region and that has been found to be grievous in nature; apart from the aforesaid injury report, this Court also finds that the allegation has been levelled against altogether 20 named accused persons and 50-60 unknown persons with specific allegation against few of them; coupled with their fair antecedent and the genesis of occurrence, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon



furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Purnea in connection with Amnour P.S. Case No.233 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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