

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35397 of 2025

Arising Out of PS. Case No.-415 Year-2024 Thana- BAHERA District- Darbhanga

1. Md. Daulat S/o Md. Rahim Resident of Village- Dherukh, P.S.- Bahera, Distt.-Darbhanga
2. Md. Harun S/o Md. Daulat Resident of Village- Dherukh, P.S.- Bahera, Distt.-Darbhanga
3. Md. Nazim S/o Md. Daulat Resident of Village- Dherukh, P.S.- Bahera, Distt.-Darbhanga
4. Sanjira Khatun W/o Md. Harun Resident of Village- Dherukh, P.S.- Bahera, Distt.-Darbhanga
5. Bano Khatun @ Raushan Khatun W/o Md. Daulat Resident of Village- Dherukh, P.S.- Bahera, Distt.-Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Bahera P.S. Case No. 415 of 2024 registered for the offences punishable under Sections 103(1) and 3(5) of the BNS.

3. As per the prosecution story, the informant has alleged that his father used to run a cycle repair shop and was also maintaining the cleanliness of the graveyard. On 04.11.2024, at around 9:00 AM, his father objected Md. Nazim after noticing that Nazim's goat was



grazing on the grass within the graveyard. Upon objection, Md. Nazim along with other co-accused persons named in the F.I.R., armed with *lathi* came there and started abusing his father. Thereafter, it is alleged that Md. Nazim and Md. Kazim assaulted his father by means of lathi on his head due to which he sustained injuries and become unconscious. Further, his father was shifted to hospital, and during the course of treatment doctor declared him dead.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have not committed any offence as alleged in the F.I.R. The entire prosecution story is false, fictitious and fabricated, having no iota of truth. There is no eye witness of the alleged occurrence and chargesheet has been submitted against these petitioners by the police in this case. It is also submitted that there is no any criminal antecedent of any of the petitioners.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation of assault against all the petitioners.

6. From perusal of the F.I.R., it transpires that there are direct and specific allegations against all the petitioners



that they brutally assaulted on the head of the petitioner's father by means of *lathi* and lastly he succumbed to the injuries. Statements recorded in paragraphs 9, 10, 76, and 77 of the case diary reveal that witnesses have supported the prosecution's version. The post-mortem report of the deceased, confirms the marks of ante-mortem injuries, doctor has opined the cause of death due to trauma inflicted by a hard and blunt object. The opinion of doctor mentioned in the post mortem report reads as under:-

“Above noted injuries were antemortem in nature and were caused by hard and blunt object. Injury no. 1 was grievous and dangerous to life in ordinary course of nature. Death was due to Intracranial hemorrhages, compression and shock.”

7. Keeping in view the aforesaid facts and considering the direct and specific allegation as also the ante mortem injuries mentioned in post mortem report, I am not persuaded to enlarge the petitioners on bail.

8. Accordingly, the prayer for bail of the above named petitioners stands **rejected**.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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