

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38353 of 2025

Arising Out of PS. Case No.-280 Year-2024 Thana- Mufassil District- Purnia

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1. Md. Naskir @ Nasir Hussain @ Naskir, S/o Md Karim, Resident of Village-Parmanandpur, P.S.- Muffasil, District- Purnea
 2. Md Muskur @ Md Maskur @ Md Taskir, S/o Md Faiyaz, Resident of Village- Parmanandpur, P.S.- Muffasil, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nadimul Hasan, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 03-09-2025 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Muffasil P.S. Case No. 280 of 2024, registered for the offences punishable under Sections 192(2), 190, 115(2), 118(1), 109, 352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. Allegedly on the fateful day while the relative of the informant were engaged in fencing land, in the meanwhile, the petitioners alongwith various weapons came there and resisted for the same. On protest being made, petitioner no.1 assaulted the informant over his head by means of iron rod.



When the son-in-law of the informant came to his rescue, petitioner no. 2 has inflicted a knife blow over his head, due to which he sustained serious injuries. There is further allegation against other accused persons of causing assault to other family members.

4. Learned Advocate appearing on behalf of the petitioners submitted that in fact on account of admitted land dispute both the parties have entered into a free fight, resulting into injuries to persons of both the sides. The genesis of the occurrence is a land dispute, get supported from the factum of pendency of Title Suit No. 33 of 2008 between the parties. There is counter version of the present case being Muffasil P.S. Case No. 281 of 2024 filed by one of the co-accused against the informant and others. The injuries sustained over the informant and his son-in-law are found to be simple in nature, caused by hard and blunt substance. Both the petitioners are having one criminal antecedent, however it is stated that this was also instituted by the informant, in which both the petitioners are on bail.

5. On the other hand, learned Advocate for the State and the learned Advocate for the informant opposed the pre-arrest bail application and submits that the injuries though might be simple in nature, but duly corroborate the allegation of inflicting iron rod blow and with the knife. The criminal



antecedent of the petitioners also suggest that they are habitual offenders,

6. Regard being had to the submissions made on behalf of the parties and considering the factum of case and counter case, coupled with the genesis of the occurrence as also the injuries being simple in nature, 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) with two sureties of the like amount **each** to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Muffasil P.S. Case No. 280 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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