

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39675 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- VAINI District- Samastipur

1. Md. Obaid Son of Md. Basir Village- chandauli, Ps- Wainy, Dist- Samastipur
2. Md. Kalam Son of Md. Samsul Haque Village- chandauli, Ps- Wainy, Dist- Samastipur
3. Md. Islam Son of Md. Samsul Haque Village- chandauli, Ps- Wainy, Dist- Samastipur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek bail in connection with Wainy P.S. Case No. 26 of 2025 registered for the offences punishable under Sections 115(2), 118(1), 126(2), 109(1), 351(2), 352, 303(3), 3(5) of the BNS.

3. The petitioner no. 1 has one criminal antecedent. He is an accused in Tajpur P.S. Case No. 89 of 2024 under Sections 147, 148, 149, 341, 323, 354, 379, 504 and 506 of the Indian Penal Code. Petitioner no. 2 has no criminal antecedent and petitioner no. 3 has two criminal antecedents, he is an accused in Tajpur P.S. Case No. 433 of 2022 under Sections 341, 323, 324, 447, 354, 379, 504, 506 and 34 of the Indian Penal Code and also in C.R. Case No. 1525 of 2022 under Sections 323, 342, 452, 354(B), 307, 380, 379 and 34 of the Indian Penal Code.



4. The case of the prosecution, in brief, is that the informant stated in his fardbeyan that on 30.03.2025 at about 09:00 PM when he was at his home, the petitioners and others came with deadly armed weapons and started construction over the disputed land and on protest they started abusing him and assaulted by iron rod over his head and when other family members came to rescue then they were also assaulted.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case on the basis of the previously existing land dispute between the two families. He submits that the petitioners are in custody since 31.03.2025 and charge-sheet against all the three petitioners have already been filed, thereby completing the investigation. He, therefore, submits that prolong custody of the petitioners is not required in the present case.

6. On the other hand, learned APP appearing for the State opposes the prayer for regular bail of the petitioners.

7. Upon consideration of the materials on record particularly the Case Diary and the Injury Report it transpires that the assault committed by petitioner nos. 2 & 3 have resulted in simple injury whereas assault done by petitioner no. 1 i.e., Md. Obaid has resulted in grievous injury. Petitioner no. 1 has



also one criminal antecedent but petitioner no. 2 does not have any criminal antecedent. Petitioner no. 3 has two criminal antecedents as disclosed in paragraph-3 of this bail application.

8. Considering these circumstances, the Court is not inclined to grant bail to petitioner no. 1 namely, Md. Obaid, hence his prayer for bail is rejected but considering the fact that the assault made by petitioner nos. 2 and 3 have resulted in very simple injury and they have already remained in custody since 31.03.2025, the Court is inclined to grant bail to petitioner nos. 2 and 3.

9. Accordingly, the petitioner nos. 2 and 3 above named, are directed to be released on 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 the learned court below where the case is pending/successor court in connection with Wainy P.S. Case No. 26 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates



without substantial reason or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. The prayer for grant of bail of petitioner no. 1 stands rejected.

11. Accordingly, the prayer for bail is partly allowed.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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