

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37680 of 2025

Arising Out of PS. Case No.-248 Year-2025 Thana- MADHAURAH District- Saran

1. Md. Mobin S/o Md. Salauddin R/o Vill.- Dharmpur Pasuram, P.S.- Marhowrah, Dist.- Saran.
2. Md. Mumtaz S/o Md. Salauddin R/o Vill.- Dharmpur Pasuram, P.S.- Marhowrah, Dist.- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Mili Kumari, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Marhourah P.S. Case No. 248 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 352, 351(2), 303(2) and 3(5) of the B.N.S., 2023.

3. As per the prosecution case, petitioner and other co-accused persons came at the door of the informant and hurling obscene abuses assaulted the informant with slaps, fists, *lathi*, *danda*, rod and sword. The petitioners assaulted the three sons of the informant with sword, causing cut injury on their heads. The assailants also took away gold and silver ornaments and Rs. 75,000/- (Rupees seventy-five thousand only) in cash.



4. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have falsely been implicated in the present case and the offences as alleged never took place. Earlier, Marhowrah P.S. Case No. 62 of 2025 was lodged by petitioner no. 1 against the informant and the others and in retaliation the present case has been lodged. The allegation of assault is completely false as informant did not receive any injuries though, allegedly, he was assaulted by eleven persons. The injury report of the victims of the petitioners shows simple injuries and the injuries are mostly blunt injuries and are abrasions etc. The nature of weapon of the offences has not been mentioned, but from the injury report, it is clear that injuries are caused by hard and blunt object, though two of the injuries are stated to be cut injuries on two victims. This falsifies the allegation against the petitioner of causing sword injuries on the sons of the informant. The allegation of snatching gold and silver ornaments and cash is just super-addition. Learned counsel lastly submits that the petitioners are having clean antecedents and they are in custody since 19.04.2025.

5. Learned A.P.P. appearing on behalf of the State opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



simple nature of injuries on the victims and also considering absence of injuries on informant and further considering the counter version of the petitioners lodged against the informant's side, the petitioners, above-named, are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran, Chapra / concerned Court, in connection with **Marhourah P.S. Case No. 248 of 2025**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned trial Court.

(iii) In case of non-appearance of the petitioners on single date or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the Court concerned.

(Arun Kumar Jha, J)

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