

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 44930 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- MUSRIGHRARI District- Samastipur

1. MD. AKBAR @ AKBAR MIYA S/O YUNUSH MIYA @ LATE MD. YUNUS R/o vill - Bishambharpur Alioth, P.S.- Musrigharari, Distt.- Samastipur
2. Md. Shahanwaz Husain @ Raja @ Md. Raja S/o Md. Yakub @ Yakub Mohammad R/o vill - Bishambharpur Alioth, P.S.- Musrigharari, Distt.- Samastipur
3. Taj Mohammad @ Md. Taj Mohammad S/o Shah Mohammad R/o vill - Bishambharpur Alioth, P.S.- Musrigharari, Distt.- Samastipur
4. Sibtain Ahmad @ Md. Siptan @ Md. Sipten S/o Najmul Hoda R/o vill - Bishambharpur Alioth, P.S.- Musrigharari, Distt.- Samastipur
5. Md. Faiyaz S/o Md. Yakub @ Yakub Mohammad R/o vill - Bishambharpur Alioth, P.S.- Musrigharari, Distt.- Samastipur
6. Md. Yaqub @ Md. Yakub S/o Md. Salim R/o vill - Bishambharpur Alioth, P.S.- Musrigharari, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-10-2025 Heard Mr. Nafisu Zzoha, learned Advocate for the

petitioners and Mr. Satyendra Narayan Singh, learned

Additional Public Prosecutor for the State.

2. At the outset, learned Advocate for the petitioners
submitted that during the pendency of the present application,
the petitioner no. 3 got arrested and, as such, he is not pressing
the application on his behalf.



3. The petitioner nos. 1, 2, 4, 5 and 6 are apprehending their arrest in connection with Musrigharari P.S. Case No. 11 of 2025, registered for the offences punishable under Sections 126(2), 127(2), 115(2), 118(2), 303(2), 308(2), 308(3), 109, 76, 352, 351(2) of the BNS.

4. The petitioner no. 1 used to demand extortion of Rs.50,000/- from the informant and also threatened with dire consequences, on refusal of the same. It is further alleged that when a baby was born in the house of petitioner no. 6, the informant along with others came to his house to demand *badhai*, whereupon the petitioners along with others brutally assaulted the informant and others by means of iron rod due to which one of the person has sustained fracture injury in her hand and others have also sustained injuries on different parts of the body. The accused persons also snatched the valuables.

5. Learned Advocate for the petitioners submitted that there is counter version of the present case being Musrigharari P.S. Case No. 11 of 2025 instituted against the informant and others, which is earlier on point of time. So far the injury sustained to one Rubi Kumari is concerned, the same has though termed as grievous in nature but on non vital part; all the more both the parties have entered into a compromise and



decided not to proceed in the matters instituted against each other. The petitioner nos. 1, 2, 4, 5 and 6 also undertake that they will fully cooperate in the proceeding of the court.

6. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that because of the act of petitioners, one of the person has sustained grievous injury, besides others have received simple injuries; moreover offence is not compoundable in nature.

7. Regard being had to the submissions made on behalf of the parties and considering the factum of case and counter case, coupled with the nature of injuries, which are on non vital part, besides the admission on the part of the informant regarding settlement of the dispute, let the petitioner nos. 1, 2, 4, 5 and 6 abovenamed 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 Chief Judicial Magistrate, Samastipur in connection with Musrigharari P.S. Case No. 11 of 2025, 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
petitioner nos. 1, 2, 4, 5 and 6.

(Harish Kumar, J)

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