

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38879 of 2025

Arising Out of PS. Case No.-100 Year-2024 Thana- SHRI NAGAR District- Madhepura

1. Md. Pappu, S/o Md. Jaharuddin @ Jaharuddin
 2. Md. Naushad, S/o Late Md. Boudhu @ Late Boudhu
 3. Md. Shoukat, S/o Late Md. Rafik @ Late Rafique
- All are Resident of Village-Mangarwara, Ghardoul, P.S.-Srinagar, District-Madhepura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-08-2025 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The petitioners seek bail in connection with Shrinagar P.S. Case No.100 of 2024 registered for the offences punishable under Sections 126(2), 115, 118(1), 117, 118(2), 109, 352, 351(2) read with 3(5) of the Bhartiya Nyaya Sanhita (for short 'B.N.S.') and Section 27 of the Arms Act.

3. All three above-named accused/petitioners are named in the FIR and are in custody since 05.04.2025.

4. Allegation against the petitioner is to assault the informant and others by using *farsa*, *dabia*, where during the



occurrence firing was also done, causing bullet injuries. Physical assault was alleged to be made with intention to cause death of injured, where occurrence alleged to be arising out of land dispute.

5. It is submitted by learned counsel appearing for petitioners that the allegation against all three petitioners is to assault the informant with sharp edged weapon and if it is true then certainly at least three incised wound to be found upon medical examination of injured but upon medical examination, only two incised wound were noticed upon injured, making entire occurrence *prima facie* doubtful. It is submitted that the occurrence took place in the background of land dispute to implicate the entire family and moreover the nature of injuries as alleged to be caused by petitioner found simple in nature, negating intention to cause death. While concluding argument, it is submitted that investigation of this case is already completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence and moreover petitioner nos. 1 and 2 found involved in one more criminal cases with informant's side,



where they are on bail and petitioner no.3 is a man of clean antecedent.

6. Learned APP opposed the prayer for grant of bail to the petitioners.

7. In view of aforesaid factual submissions and by taking note of fact as injuries alleged to be caused by all three above-named petitioners appear simple in nature upon medical examination *prima facie* negate their intention *qua* causing death, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 05.04.2025, accordingly, all three above-named petitioners 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 Judicial Magistrate-1st Class, Madhepura in connection with Shrinagar P.S. Case No.100 of 2024, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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