

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38971 of 2025

Arising Out of PS. Case No.-119 Year-2025 Thana- SAKRA District- Muzaffarpur

Md. Seraj S/O Late Md. Moti R/O Vill.- Paharpur, P.s.- Sakra, Dist.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nafisu Zzoha, Advocate
For the State	:	Md. Mushtaque Alam, APP
For the Informant	:	Mr. Sanjay Kr. @ S.K., Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Sakra P.S. Case No. 119 of 2025 registered for the offences under Sections 126(2), 115, 118, 109 and 3(5) of the B.N.S.

3. As per prosecution case, petitioner and his co-accused wife attacked the informant with sickle and with intention to cause his death inflicted injuries on his neck. The petitioner was apprehended from the spot and his wife fled away. The informant further alleged that the occurrence was caused at the instigation of his elder brother co-accused Md. Reyaj.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Though the occurrence took place at 04:30 PM on 08.03.2025, the F.I.R. has been lodged on 09.03.2025 at 08:05 AM without any explanation for the delay. Petitioner and the informant are full brothers but they are on litigating terms due to property dispute. Some altercation took place between the parties and both side received injuries. Learned counsel further submits that while the informant was examined at Sakra Referral Hospital, doctor found one abrasion in the left side front of anterior neck and three lacerated wounds of different size on his left hand, left middle finger and left first wave space. Further the victim was referred to SKMCH, Muzaffarpur but the report is yet to come. However, from the preliminary investigation it appears the injuries as claimed by the informant are not present and it creates doubt over the case of the informant. If the sickle blow was given, presence of mere abrasion is not possible. Learned counsel further submits that the petitioner is issue-less and the informant wants to grab his land and for this reason he has lodged the present case. Petitioner is in custody since 09.03.2025 and charge-sheet has been submitted. Petitioner is having clean antecedent.



5. Learned A.P.P. as well as learned counsel appearing on behalf of informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the certificate issued by SKMCH, Muzaffarpur shows two stitch wound along with two abrasion of different size including the abrasion of left front of anterior neck and this shows the repeated blow was given on the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of injury allegedly inflicted by the petitioner and his co-accused wife by sickle and also considering the clean antecedent of petitioner coupled with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Court No.1, J.M.F.C., Muzaffarpur/concerned court in connection with Sakra P.S. Case No. 119 of 2025, subject to the conditions mentioned in 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 petitioner.
- (ii) The petitioner will remain present on



each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

