

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40457 of 2025

Arising Out of PS. Case No.-280 Year-2024 Thana- MANIHARI District- Katihar

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Badruddin @ Md. Badruddin S/o Late Insan Ali R/o Village- Babupur, P.S.-
Manihari, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Bimal Kumar, Adv.
For the Opposite Party/s	:	Mr.Bhanu Pratap Singh, APP
For the Informant	:	Md. Musowir, Adv.

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 09-09-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with

Manihari P.S. Case No. 280 of 2024 instituted for the

offences under Sections 191(3), 115(2), 126(2), 118(1),

109, 103(1), 352 of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, the accusation against

the accused persons including the petitioner is of assaulting

the informant, her husband and her son by means of *lathi* and

farsa, leading to the death of informant's husband in course

of his treatment.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. There is a case and counter case between the parties. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. Both the parties are none else but own agnates and husband of the Informant namely Abbu Tahir and the petitioner are none else but the own brother. The Informant in her re-statement recorded in Para-5 of the case diary has given exactly same statement as given in the F.I.R. and in both the statements, the informant has not made any specific allegation of any overt act against the petitioner. The petitioner has no criminal antecedent and is languishing in judicial custody since 29.10.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. It is further stated that the witnesses in



para- 13 and 14 of the case diary have stated that the petitioner has assaulted the deceased by means of *Hasua*. The Investigating Officer, after completion of investigation, has submitted charge-sheet finding the case true against the petitioner for offence under Sections Sections 191(3), 115(2), 126(2), 118(1), 109, 103(1), 352 of the Bhartiya Nyaya Sanhita, 2023.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Manihari P.S. Case No. 280 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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