

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42263 of 2025

Arising Out of PS. Case No.-120 Year-2025 Thana- BAIRIYA District- West Champaran

1. Ashin Mian @ Ashin Rai S/O Late Subhan Mian @ Subhan Rai R/O Village- Fuliakhanda ward no. 09, Police station- Bairiya, District- West Champaran
2. Abre Alam S/O Ashin Mian @ Ashin Rai R/O Village- Fuliakhanda ward no. 09, Police station- Bairiya, District- West Champaran
3. Tausibh Alam @ Tausif Alam S/O Ashin Mian @ Ashin Rai R/O Village- Fuliakhanda ward no. 09, Police station- Bairiya, District- West Champaran
4. Safi Alam S/O Amin Mian @ Amin Ray R/O Village- Fuliakhanda ward no. 09, Police station- Bairiya, District- West Champaran
5. Nazboon Khatoon W/O Amin Mian @ Amin Ray R/O Village- Fuliakhanda ward no. 09, Police station- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Rajendra Singh Shastri, A.P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 15-10-2025 Heard Mr. Brij Kishor Mishra, learned Advocate

appearing on behalf of the petitioners and Mr. Rajendra Singh

Shastri, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection
with Bairiya P.S. Case No. 120 of 2025, registered for the
offences punishable under Sections 126(2), 115(2), 329(3), 76,
109, 118(1), 303(2), 352 & 3(5) of the Bharatiya Nyaya Sanhita,
2023.

3. The allegation against the petitioners is of causing
assault to the informant as well as husband of the informant



resulting serious injuries, besides the allegation of snatching the valuables.

4. Learned Advocate appearing on behalf of the petitioners taking this Court through the F.I.R. contended that allegedly the petitioner No. 1 assaulted the husband of the informant with *lathi* on his right hand, whereas, the petitioner No.2 is alleged to have assaulted the informant's husband by means of iron rod over his head. The petitioner No. 3 has allegedly assaulted the informant by catching hold of her hair. The petitioner No.4 has assaulted by means of *farsa* to the informant and there is allegation of snatching golden chain against the petitioner no.5. It is further submitted that in fact on account of a free fight, both the parties have sustained injuries and prior to the lodging of the present F.I.R., the petitioner No. 5 has instituted Bairiya P.S. Case No. 119 of 2025 with an allegation that it is the petitioners side, who have sustained serious injuries besides the allegation of snatching the valuables. The persons of both the sides have sustained simple injuries to support the aforesaid contention. The injury report has also been placed on record as Annexure-P/2 series. The petitioner Nos. 1, 3, 4 & 5 are men of fair antecedent, whereas, the petitioner No. 2 bears one criminal antecedent, however, in the said case the



petitioner No. 2 has already been acquitted.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submitted that the petitioners have actively participated in crime and brutally assaulted the informant and her husband.

6. Having considered the submissions advanced and taking note of the factum of the case and counter case coupled with the simple nature of injuries, let the petitioners above named 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) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-First Class, Bettiah, District-West Champaran in connection with Bairiya P.S. Case No. 120 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 petitioners.

(Harish Kumar, J)

Nilmani/-

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