

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43165 of 2025

Arising Out of PS. Case No.-124 Year-2023 Thana- BARURAJ District- Muzaffarpur

Md. Ahmad Hussain S/o Late Dil Mohammad Miyan R/o Village- Parsauri
Nath, P.S.- Baruraj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 23-07-2025

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for grant of anticipatory bail apprehending his arrest in connection with Baruraj P.S. Case no. 124 of 2023 registered for the offence punishable under sections 307, 379, 341, 323, 504, 506, 354 and 34 of the Indian Penal Code.

3. As per the prosecution case, the six named accused persons including the petitioner herein are said to have come and of having assaulted the informant for demanding his outstanding money. It is further stated that the petitioner armed with an iron rod struck the informant leading to serious injuries in his jaw. The informant further states that the accused took away Rs.10,000/ and went away giving threats that they would not let the informant open his shop. The informant states that he



was taken to the Primary Health Center for treatment from where he was referred to the PMCH.

4. Learned counsel for the petitioner submits that the petitioner and the informant are brothers and the petitioner has been falsely implicated in the case over a dispute relating to family property. It is submitted that the allegations levelled in the FIR are false and concocted. There is case and counter case between the parties with the case lodged from the petitioner's side having been registered earlier. A copy of the said FIR has been brought on record as Annexure-2 to the petition. Referring to the nature of injury, it is submitted that no case under section 307 of the Indian Penal Code would be made out against the petitioner. The petitioner has no criminal antecedent and undertakes to cooperate in the case. Referring to the order of the learned Court below, learned counsel submits that the injury has still not been opined to be grievous in nature.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the F.I.R. against this petitioner, there being case and counter case between the parties, the relationship between the petitioner and



the informant being that of full brothers, the injury not yet having been opined to be grievous in nature and specially the petitioner not having any criminal antecedent, it is directed that the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Baruraj P.S. Case no. 124 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class (West), Muzaffarpur.

(Partha Sarthy, J)

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