

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43488 of 2025

Arising Out of PS. Case No.-419 Year-2025 Thana- SAHARSA SADAR District- Saharsa

1. Md. Aslam Rain S/o Md. Jahir @ Md. Jahir Rayin R/o Vill.- Niyamat Tola Gangjala, Ward No. 18, P.S. and District- Saharsa
2. Md. Zakir S/o Md. Jahir @ Md. Jahir Rayin R/o Vill.- Niyamat Tola Gangjala, Ward No. 18, P.S. and District- Saharsa
3. Md. Rustam S/o Md. Jahir @ Md. Jahir Rayin R/o Vill.- Niyamat Tola Gangjala, Ward No. 18, P.S. and District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate
For the Opposite Party/s : Mr. Lalan Kumar APP
Ms Rashmi Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Saharsa Sadar P. S. Case No. 419 of 2025 dated 08-04-2025, instituted under Section 115(2), 126(2), 353, 351(2), 351(3), 303(2), 118(1), 118(2), 109 and 3(b) of the BNS.

3. The prosecution case, in short, is that on the alleged date of occurrence petitioner no. 1 assaulted the informant with a *dabia*, causing a head injury. It is further alleged that petitioner no. 2 assaulted the informant's cousin, Md. Ayub, with an iron rod, also causing a head injury. It is further alleged that



petitioner no. 3, Md. Rustam, along with co-accused Sabana Perween, assaulted Md. Ayub with *lathi* and *danda*, and they allegedly snatched a gold chain worth of Rs.10,000/- from the informant and his cousin.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. It is further submitted that the allegation against petitioner no. 1 is that he assaulted the informant with a *dabia*. However, the injury report of the informant reveals that the injury sustained is simple in nature and caused by a hard and blunt substance. As regards the injuries sustained by other persons, it is alleged that petitioner nos. 2 and 3 assaulted Md. Ayub with an iron rod and a *lathi*, respectively. However, the injury report of Md. Ayub reflects only a single injury, which is also simple in nature and caused by a hard and blunt object. It is further submitted that although three persons are said to have assaulted Md. Ayub, only one injury has been found on his person. It is also submitted that there is case and counter case between the parties. The counter case has been lodged by petitioner no. 2 as Saharsa Sadar P.S. Case No. 418 of 2025, dated 08.04.2025, under Sections 191(2), 190, 115(2), 126(2), 352, 117(2), 351(2), 351(3), and 303(2) of the Bharatiya Nyaya



Sanhita against the present informant and his family members. Lastly, it has been submitted that petitioner no. 1 has two other criminal cases pending against him, petitioner no. 2 has one criminal case, and petitioner no. 3 also has one criminal case pending against him.

5. Learned counsel for the informant, assisted by the learned Additional Public Prosecutor for the State, have opposed the prayer for bail. It is submitted that there are specific allegations of assault against the petitioners, which stand corroborated by the injury reports. The injuries sustained by the victims are on vital parts of the body, which reveals the seriousness of the assault and the active involvement of the petitioners in the alleged offence.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM Saharsa in Saharsa Sadar P. S. Case No. 419 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023, subject to the



following conditions:(i) that the petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that if the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

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