

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46222 of 2025

Arising Out of PS. Case No.-131 Year-2025 Thana- GOPALGANJ TOWN District-
Gopalganj

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Md. Adud @ Md. Adood, aged about 36 years, Male, Son of Late Rayees
Miyan, Resident of village - Takiya Yakub, Police Station - Gopalganj,
District – Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ansul, Sr. Advocate Mr. Thakur Brajesh Singh, Advocate
For the State	:	Mr. Lakshmi Kant Sharma, APP
For the Informant	:	Mr. Md. Danish Quamar, Advocate Mr. Madiha Moneer, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with
Gopalganj (Town) P.S. Case No. 131 of 2025 instituted for the
offences punishable under Sections 126(2), 115(2), 118(1), 109
and 3(5) of the BNS.

3. As per allegation in the FIR, the petitioner and
other co-accused persons named in the FIR have assaulted the
informant by means of butt of the pistol from behind and the
petitioner also assaulted the informant with daab (sharp cutting
weapon), on the head, due to which, he got head injury,
thereafter the informant fell down on the ground and the reasons
behind the occurrence is that the elder brother of the informant



was shot dead by this named FIR accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He submits that the informant's nephew has falsely implicated the petitioner in the murder case of his father, due to which, the informant implicated the petitioner in this case. He next submits that this case has been filed by the informant only due to harass the petitioner and there is previous enmity between the parties, in which, there is case and counter case against them. Petitioner is in custody since 30.05.2025.

5. Learned APP for the State and learned counsel for the informant opposed the prayer of bail of the petitioner and submits that the offence as alleged in the FIR is serious in nature, so he does not deserves the privilege of bail.

6. From perusal of the FIR, case diary, injury report and impugned order of the learned District and Additional Sessions Judge-II, Gopalganj dated 25.06.2025, it appears that on the basis of FIR of the informant-cum-injured namely Abdul Hanan, FIR has been registered under Sections 126(2), 115(2), 118(1), 109 and 3(5) of the BNS against four accused persons including the present petitioner. The allegation against the



petitioner is that the petitioner assaulted with daab (sharp cutting weapon), upon the head of the informant, due to which, he got head injury and fell down on the ground and the other co-accused persons assaulted the informant with the butt of the *pistol*, *iron rod* and *knife* with an intention to kill him. From perusal of the injury report, it also appears that only one visible injury of lacerated wound of size 4 ¼” x 1 ½” x scalp deep over left occipito-parietal region and the second injury sustained pain and swelling of size 2”x2” over nose with abrasion of size ½”x½” and the opinion after receiving the supplementary injury report that injuries are grievous in nature caused by hard and blunt substance, so it appears that *prima facie* injuries caused by sharp cutting weapon and no repeated blow on the head of the injured by the present petitioner, so considering all these aspects of the case, I am inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj P.S. Case No. 131 of 2025, subject to the condition that the petitioner shall physically present on each and every



date fixed by the Trial Court till conclusion of the trial.

(Ramesh Chand Malviya, J)

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