

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50673 of 2025

Arising Out of PS. Case No.-84 Year-2025 Thana- DIGHALBANK District- Kishanganj

1. Bibi Farjina @ Farjina @ Mumtaz Begam W/o Md. Basir @ Basir Alam R/o Vill- Mohmari, Ward No. 01, P.S.- Dighalbank, Distt- Kishanganj
2. Saima Khatoon @ Shaima W/o Rabiul Islam R/o Vill- Mohmari, Ward No. 01, P.S.- Dighalbank, Distt- Kishanganj
3. Md Nasiruddin @ Nasiruddin @ Nasir Alam S/o Tohar Ali @ Johar Ali R/o Vill- Mohmari, Ward No. 01, P.S.- Dighalbank, Distt- Kishanganj
4. Md Baseer @ Basir Alam S/o Tohar Ali @ Johar Ali R/o Vill- Mohmari, Ward No. 01, P.S.- Dighalbank, Distt- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.
For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-08-2025 Heard the learned Advocate for the petitioners and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Dighalbank P.S. Case No. 84 of 2025, registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 74, 117(2), 109(1), 351(2), 352 and 118(2) of the BNS.

3. Allegedly, on account of protest being made by the informant to keep the bricks in front of his house, all the accused persons conspired together and came out with iron rod and bricks and started assaulting the informant and her husband. It is specifically alleged that the accused persons, including the



petitioners, brutally assaulted over the head of the informant's husband, due to which he sustained serious injury. The pregnant daughters of the informant, who came to rescue their father, they were also badly assaulted by them.

4. Learned Advocate for the petitioners taking this Court through the First Information Report submitted that there is general and omnibus allegation against all the family members, inasmuch as, even if the allegation taken to be true, there is no repetition made by the accused persons and, as such, no offence much less under Section 109 (1) of the BNS is made out. He further submits that both the parties are close relatives and next door neighbour and only on account of a trifle, a scuffle took place resulting into unfortunate injury to persons of both the sides. The injury, which has been sustained to Tohar Ali, the husband of the informant, is concerned, the same is found to be simple in nature, as is evident from the impugned order. The petitioners are persons of fair antecedent and they undertake that they would not repeat such incidence, in future.

5. On the other hand, learned counsel for the State and the informant opposed the pre-arrest bail application and submits that apart from serious injuries sustained to the informant's husband, the petitioners along with other accused



persons brutally assaulted the pregnant daughters of the informant and that may led to miscarriage and for this reason alone, they do not deserve the sympathy.

6. Having regard the submissions set-forth by learned Advocate for the respective parties and taking note of the genesis of the occurrence and the simple nature of injury, coupled with their fair antecedent and their close proximity, 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) **each** with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Dighalbank P.S. Case No. 84 of 2025, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik 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)

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