

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55996 of 2025

Arising Out of PS. Case No.-111 Year-2025 Thana- POTHIIYA District- Kishanganj

1. Manjura Khatoon @ Manju Bibi W/O Ajiruddin @ Ajruddin R/O Village- Mirjapur, P.S.- Pothia, Dist.- Kishanganj
2. Ajiruddin @ Ajruddin S/O Samsuddin @ Md. Shamsuddin @ Samsuddin Haque R/O Village- Mirjapur, P.S.- Pothia, Dist.- Kishanganj
3. Saidul Haque S/O Samsuddin @ Md. Shamsuddin @ Samsuddin Haque R/O Vill.- Mirjapur, P.S.- Pothia, Dist.- Kishanganj
4. Samsuddin @ Md. Shamsuddin S/O Late Lalajan Sekh R/O Vill.- Mirjapur, P.S.- Pothia, Dist.- Kishanganj
5. Begam Khatun @ Begam Bibi W/O Samsuddin @ Md. Shamsuddin @ Samsuddin Haque R/O Vill.- Mirjapur, P.S.- Pothia, Dist.- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-08-2025 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners who apprehend arrest in connection with Pothia P.S. Case No. 111/2025 lodged on 25.04.2025, for the offences punishable under sections 126(2),115(2), 118(1), 117(2), 109(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, the FIR has been lodged against the petitioners alleging that, on the order of petitioner no.4 to kill the informant, all the accused persons caught hold of



him, whereafter petitioner no.2 assaulted him with a lathi on his head. It is further alleged that petitioner no.2 also assaulted the daughter-in-law of the informant with a knife on her head when she intervened, while petitioner no.1 assaulted her with a stick, causing fracture of her left hand. The accused persons are also alleged to have assaulted the son of the informant with a knife on his head and with a stick. Petitioner no.3 is alleged to have assaulted the wife of the informant with an iron rod on her head, due to which she sustained injury on her left hand.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence, rather they have been falsely implicated in this case. It is contended that there exists a long-standing land dispute between the parties over the partition of a tea garden, and both parties are close relatives. Learned counsel further submits that all the sections invoked are bailable except sections 118(1) and 109(1) of the B.N.S., 2023. It is pointed out that the injuries sustained by the informant have been opined by the doctor to be simple in nature. Although the injuries suffered by the informant's daughter-in-law are grievous, they are not on any vital part of the body. It is, however, conceded that the antecedents of the petitioners are not clean. Petitioner no.1 is an accused in two other criminal cases,



while petitioner nos.2 to 5 are accused in one other criminal case, but all such cases have admittedly been instituted at the instance of the informant's side. Learned counsel submits that since both parties are agnates and are engaged in a property dispute, the present FIR is nothing but a counterblast to Pothia P.S. Case No. 113 of 2025 lodged by petitioner no.1.

5. Learned APP for the State vehemently opposes the prayer for bail and submits that the Trial Court, after perusal of the case diary, has recorded in its order that all the witnesses have consistently supported the prosecution version. It is further pointed out that the son of the informant has sustained injury on his parieto-occipital region, the wife of the informant has sustained injuries on her neck and other parts of the body, and the daughter-in-law of the informant has sustained injuries on her parietal region as well as on her wrist, which have been opined to be grievous in nature.

6. Considering the nature of allegations levelled in the FIR, the manner of assault as alleged, as well as the injuries sustained by the informant and his family members, including grievous injuries to the daughter-in-law of the informant, this Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for bail of the petitioners in connection with Pothia



P.S. Case No.111/2025, pending before the learned ACJM-3
Kishanganj is hereby rejected.

7. However, if the petitioners surrender before the
Trial Court within six weeks from today, the Trial Court is
directed to pass an order on their surrender-cum-bail application
on the same day, without being prejudiced by the fact that the
petitioners’ anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

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