

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53126 of 2025

Arising Out of PS. Case No.-107 Year-2025 Thana- DARPA District- East Champaran

Pir Mohammad Mian son of Late Zulfekar Mian Village- Pipra Paschim Tola
Ps- Darpa District -East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Darpa P.S. Case No. 107 of 2024 registered for the alleged offences under Sections 126(2), 115(2), 118(1), 109, 74, 303(2), 117(2), 352, 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, petitioner and other co-accused persons, who were armed with iron rod, *farsa* and *lathi* and bamboo stick, came to the house of the informant and assaulted her husband. Co-accused gave *farsa* blow to the husband of the informant, causing injury on his head. The informant also received injury from one Abdul Majid. Other co-



accused persons also assaulted the informant and her family members.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is 75 years old person and allegation levelled against him are not believable. Prior to lodging of this case, wife of the petitioner lodged Darpa P.S. Case No. 108 of 2025 against the informant and others and as a counterblast present case has been lodged by the informant. The petitioner is father-in-law of the informant and father of injured, namely Imtiyaz Ahmad. Learned counsel further submits that the occurrence did not take place in the manner as alleged. The husband of the informant, on instigation from the informant, started making quarrel in his family and demanded his share. He assaulted the petitioner as well as his mother and when another son of the petitioner reached there and intervened, both of them sustained injuries. The FIR has been lodged after delay of three days for which there is no satisfactory explanation. The petitioner is having clean antecedent and is in custody since 03.06.2025. Charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.



06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to 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 learned Sub Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran/court concerned in connection with Darpa P.S. Case No. 107 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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