

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53740 of 2025

Arising Out of PS. Case No.-254 Year-2025 Thana- SARAIYA District- Muzaffarpur

Naushad Alam @ Md. Naushad S/O Late Abdul Hakeem @ Md. Hakeem
Resident of village- Basudeopati, P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shanti Bhushan Singh, Adv.
For the State	:	Md. Shakir Ahmad, APP
For the informant	:	Mr.Hemant Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. Petitioner seeks bail in connection with Saraiya
P.S. Case No. 254 of 2025 registered for the offences punishable
under Sections 126(2), 115(2), 117(2), 109, 324(4), 303(2),
118(1), 3(5)30(a) of the B.N.S., 2023.

3. As per prosecution case, there is allegation
against the petitioner who is said to have assaulted the informant
by means of iron pipe as a result of which informant sustained
injury on his head. It is alleged that petitioner also assaulted on
the left ribs and right hand of the informant. It is further alleged



that when Md.Tajmul and others came to rescue him, the petitioner assaulted on the shoulder of the Md. Tajmul by means of iron pipe. Petitioner is also alleged to have assaulted Md. Hamid and Md. Shamim by means of iron pipe.

4. Learned counsel for the petitioner submitted that petitioner is innocent and has not committed any offence as alleged in the first information report. There is admitted land dispute between the parties and merely because of previous land dispute petitioner has been falsely implicated in the present case. It is submitted that in cases of land dispute facts are generally exaggerated to make the offence graver. There is case and counter case between the parties and free fighting cannot be ignored. It is submitted that all the injuries sustained by the informant have been found to be simple in nature except the injury sustained by Md. Tajmul on his shoulder which is not on the vital part of the body, as is evident from the Injury Report contained in Annexure-3. In the facts and circumstances of the case, no offence under section 109 B.N.S. is made out against the petitioner. Petitioner bears no criminal antecedent. Petitioner is in custody since 25.05.2025. It is orally submitted that charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence.



5. The learned A.P.P. for the State and learned counsel for the informant vehemently opposes the prayer for bail of the petitioner. It is submitted that there is allegation against the petitioner of assaulting the informant and Md. Tajmul which is supported by the injury.

6. Considering the facts and circumstances of the case, keeping in view of the clean antecedent, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and the argument advanced on behalf of the parties, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, IV, West, Muzaffarpur in connection with Saraiya P.S. Case No. 254 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.



(iii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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