

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65711 of 2025

Arising Out of PS. Case No.-297 Year-2025 Thana- ISLAMPUR District- Nalanda

1. Md. Dishan Malik @ Md. Jishan Alam S/o- Md. Shahid Village- Bari Paithna Ps- Islampur Dist- Nalanda
2. Md. Umar Mallik @ Md. Umar Farooque S/o- Md. Shahid Village- Bari Paithna Ps- Islampur Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Advocate
For the State	:	Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-09-2025

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Islampur P.S. Case No. 297 of 2025 registered for the offence under Sections 190, 191(2), 191(3), 126(2), 115(2), 109, 117(2), 351(3) and 352 of the B.N.S., lodged on 07.06.2025 by the informant, Md. Saukat.

3. As per the prosecution story, the informant alleged that when he was at his home, the accused persons including these two petitioners came and abused and upon protest, assaulted. The allegation against these petitioners of using sword to cause injury to Md. Sakil on his head beside causing fracture in the hand of the informant. This happened due to land dispute and followed the F.I.R.

4. Learned counsel for the petitioners submit that due to land dispute, the two F.I.Rs. have been lodged, first by the



prosecution side and the other by the petitioner's side vide Islampur P.S. Case No. 301 of 2025. Further, he has taken this Court to Annexure-P/2 and P/3 to show that no injury has been found on the hand while the injury on the head has been found to be simple in nature. The present petitioners have also suffered injuries due to the said assault and has to be admitted to the government hospital for the treatment.

5. Learned APP opposes the prayer submitting that though the injury has been found to be simple in nature, they have assaulted the informant side.

6. Taking into account the submissions of the parties as also the materials on record, the injuries have been found to be simple in nature, case and counter case is/are there, the petitioners have also suffered injury, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda, in connection with Islampur P.S. Case No. 297 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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