

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68334 of 2025

Arising Out of PS. Case No.-76 Year-2024 Thana- MADHEPURA District- Madhepura

1. Md Abdul Hamid @ Kankul Nadaf, Son of Late Jan Mahammad, Resident of Village - Kamalpur Ward no. 04, P.S. - Madhepura Ghailarh, District - Madhepura.
2. Md. Rahamtulla @ Abdula @ Md. Abbudula @ Md. Abdul, Son of Abdul Hamid @ Kanlul Nadaf, Resident of Village - Kamalpur Ward no. 04, P.S. - Madhepura Ghailarh, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pooja Prasad, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 03-12-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Madhepura (Ghailarh) P.S. Case No. 76 of 2024 registered for the offences punishable under Sections 147, 323, 307, 354A, 504, 506/34 of the Indian Penal Code.

3. The allegation against the petitioners is of causing assault to the informant and others by means of Iron rod along with other co-accused persons. It is specifically alleged that petitioner no.2 caught hold the hair of the mother-in-law of the informant and thereupon also assaulted her by means of Iron rod over her head, due to which she sustained serious injuries. It is further alleged that petitioner no.1 assaulted the sister-in-law of



the informant by means of Lathi, due to which she sustained injury.

4. Learned Advocate for the petitioners submitted that the parties are agnates and because of some previous enmity, they entered into a free fight, resulting into some unfortunate injuries to the persons of both the sides. There is counter version of the present case, being Madhepura (Ghailarh) P.S. Case No. 77 of 2022, instituted against the informant and others. The pending land dispute is also evident from the fact that a partition suit no. 252 of 2009 is running before the learned Civil Judge-I, Senior Division, Madhepura between the parties. So far the injuries, which are allegedly sustained to the injured are concerned, all of them have been found to be simple in nature, caused by hard and blunt substance. The petitioners bear fair antecedent and undertake that they will fully cooperate in the proceeding of the court.

6. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the allegation of assault appears to be true, as there is corresponding injury over the body of the injured.

7. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note



of the factum of case and counter case, coupled with the simple nature of injury, besides the fact that the parties are bickering over a land dispute, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Ghailarh) P.S. Case No. 76 of 2024, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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