

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73447 of 2024

Arising Out of PS. Case No.-190 Year-2024 Thana- BAHADURPUR District- Darbhanga

1. Md Nasim @ Md Naseem Alam Son of Md Tahir R/O Vill.- Taralahi, P.S.- Bahadurpur, Dist.- Darbhanga.
2. Md Neyaz @ Md Niyaz Son of Md Tabarak R/O Vill.- Taralahi, P.S.- Bahadurpur, Dist.- Darbhanga.
3. Md Tabarak Son of Md Hadish @ Md Hadis R/O Vill.- Taralahi, P.S.- Bahadurpur, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kedar Jha, Advocate
For the Opposite Party/s	:	Mr. Nagendra Kr. Upadhyay, Advocate Mr. Shubham Kumar, Advocate
For the State	:	Mr. Binod Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 14-05-2025 Heard learned Counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307, 337, 338, 504 and 34 of the Indian Penal Code.

3. The allegation in the First Information Report is that the informant, his father and his nephew were assaulted by the accused persons including the petitioners and there is a specific allegation that the petitioner No.1 Md. Nasim, gave a



dagger blow to Minaj (nephew) and fled away. The allegation on petitioner No.2 Md. Neyaz is that he assaulted the father of the informant by means of bricks and also took money from his pocket, however there is no allegation on petitioner No.3, Md. Tabarak.

4. Learned counsel for the petitioner submits that it would be clear from the perusal of the First Information Report itself that sofar as the petitioner No.3 is concerned, there is general and omnibus allegations upon him and sofar as the petitioner Nos. 1 and 2 are concerned, there are allegations of giving dagger blow and hitting by means of bricks. It would however, appear from paragraph 140 of the Case Dairy, as pointed out by the learned APP, that the I.O. had gone to P.M.C.H., Darbhanga and on inquiry, he was informed by the clerk of the hospital that up till now, no injury report has been prepared of the said injured persons. Further, it has also been pointed out that there is a case and counter case and the petitioner and informant have also entered into a compromise and the compromise petition dated 28.06.2024 has been annexed as Annexure-3 to the present application.

5. Learned counsel for the informant supports the factum of compromise between the parties.



6. In view of the matter, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate V, Darbhanga, in connection with Bahadurpur P.S. Case No.190 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

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