

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70667 of 2025

Arising Out of PS. Case No.-147 Year-2025 Thana- JOKIHAT District- Araria

1. Md. Nahid Alam @ Nahid @ Nahid Alam Son of Habib @ Habibur Rahman Resident Of Village - Khutti Kharaiya, Ward no. 5, Po- Kesarra, ps- Jokihat, Dist- Araria
2. Aashique Alam @ Ashique @ Aashique @ Ashik Alam son of Habib Resident Of Village - Khutti Kharaiya, Ward no. 5, Po- Kesarra, ps- Jokihat, Dist- Araria
3. Izhar @ Izhar Alam Son of Habib Resident Of Village - Khutti Kharaiya, Ward no. 5, Po- Kesarra, ps- Jokihat, Dist- Araria

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md Ziaul Quamar, Adv.
For the Opposite Party/s	:	Mr. Yogendra Kumar Singh, APP
For the informant	:	Mr. Ramesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Jokihat P.S. Case No. 147 of 2025, registered for the offences under Sections 126(2), 303(2), 115(2), 109, 76, 352, 351(3), 3(5) of the Bharatiya Nyaya Sanhita.

3. As per the prosecution case, petitioners and other accused persons during measurement of land assaulted the informant and family members causing a number of injuries to them. The occurrence took place in background of the land



dispute.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The present case has been lodged by the informant due to land dispute between the parties. In the past as well, informant side had lodged criminal cases on similar lines against the petitioners. The main allegation is against Md. Nahid for assaulting the informant and his brother Tohid by *dabiya* but there is no such injury caused by any sharp and hard weapon on the informant or his brother. Moreover, the informant is said to be assaulted by petitioner on his head causing bleeding but the only injury of the informant is fracture of the finger in hand which is stated to be grievous. There is no injury on the head of the informant caused by *dabiya*. Similarly brother of the informant is not having any injury of sharp weapon and the injury report shows that the injuries on the brother of the informant has been caused by hard and blunt object. The injuries are caused by hard and blunt object though stated to be grievous due to fracture of bones. Learned counsel further submits that the injuries were caused in the course of scuffle between two sides on the land dispute and the informant side has exaggerated the incident by falsely alleging the



petitioners to make the case serious. There is counter version and wife of the co-accused Hasib has filed Jokihat P.S. Case No. 148 of 2025 under Sections 126(2), 303(2), 115(2), 109, 76, 352, 351(3), 3(5) of the Bharatiya Nyaya Sanhita and the informant's side trespassed into the house of the co-accused Hasib on account of land dispute and brutally assaulted Hasib and his wife with deadly weapons. The petitioners are in custody since 06.08.2025.

5. Learned A.P.P. appearing for the State and learned counsel for the informant opposes the submission made on behalf of the petitioner. Learned counsel for the informant submits that there is specific allegation against the petitioners no. 1 and 2 for causing serious injuries to the informant and his family members.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the absence of any sharp cut injury as alleged against the petitioner no. 1 and also considering their period of custody the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case



No. 147 of 2025, subject to the condition laid down under
Section 480(3) of the BNSS and other following conditions:

(i) One of the bailors will be a close
relative of the petitioners.

(ii) The petitioners will remain present on
each and every date fixed by the court
below, if so required by the learned trial
court.

(iii) In case of absence on three
consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioners will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

Siddharth Soni/-

U		T	
---	--	---	--

