

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77196 of 2024

Arising Out of PS. Case No.-308 Year-2024 Thana- PARBATTa District- Khagaria

1. Md. Asif Raja Son of Md. Suleman R/O-Village-Dumar Kothi, Ward No. 07, P.S. Parbatta, Distt. -Khagaria
2. Md. Ahmad Son of Md. Amjad R/O-Village-Dumar Kothi, Ward No. 07, P.S. Parbatta, Distt. -Khagaria
3. Md. Dilsan Son of Saukat R/O-Village-Dumar Kothi, Ward No. 07, P.S. Parbatta, Distt. -Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Singh, Advocate
For the State	:	Mr.Ashok Kumar Singh, APP
For the Informant	:	Mr. Sunil Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-01-2025 Heard learned counsel for the petitioners, learned APP for the State as well as learned counsel appearing on behalf of the informant.

2. In the present case, the petitioners seek bail in connection with Parbatta P.S. Case No. 308 of 2024, registered for the alleged offences under Sections 191(2), 190, 126(2), 115(2), 109, 303(2), 352, 351(2), 351(3) of B.N.S., 2023.

3. As per prosecution case, the petitioners and other co-accused persons entered into the house of the informant and started assaulting the nephew of the informant. When the informant and her niece came for his rescue, they were assaulted with iron rod and butt of the gun. Further injury was caused to



the son of the informant. When Nasima Khatoon came to rescue, she was also assaulted with iron rod. They took away Rs. Three lakhs and gold chain worth of Rs.60,000/- from the house of the informant. The occurrence took place as the assailant had been pressurizing the informant to withdraw the case filed against them on 16.07.2024.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Altogether nine persons have been made accused in this case with general and omnibus allegation for assault on a number of persons. But only two victims have been examined and injury report of only informant and her niece are on record which show superficial injury which are simple in nature. There is case and counter case and Parbatta P.S. Case No. 310 of 2024 under Sections 191(2), 190, 126(2), 115(2), 118(1), 352, 351(2), 351(3) of B.N.S. has been registered against the informant and others. In the present case, except for offence under Sections 109 and 303(2) of B.N.S., all other offences are bailable in nature and there is no attempt on life of any one, offence under Section 109 B.N.S. is not made out. The petitioners are in custody since 24.07.2024 and they are having antecedent of one case in which they are on bail. Charge sheet has been submitted.



5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant submits that serious injuries have been caused to the informant and her family members and the petitioners always extend threats to the informant and her family members.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that only two persons are stated to be injured for whom the injury report is on record showing superficial type of injury and further considering the apparent lack of attempt on the life of any person and submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM Ist, Khagaria/concerned Court in connection with Parbatta P.S. Case No. 308 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the 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.

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

(Arun Kumar Jha, J)

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