

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73445 of 2025

Arising Out of PS. Case No.-318 Year-2025 Thana- KISHANGANJ District- Kishanganj

Noor Hasan @ Noor Hussain, S/o Jamiruddin, Resident of Village- Kasera,
P.S. and District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-11-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Kishanganj P.S. Case No. 318 of 2025, registered for the
offences punishable under Sections 126(2), 115(2), 109(1), 352
and 3(5) of the Bharatiya Nyaya Sanhita.

3. While the informant alongwith other family
members were sitting for Panchayati before the Panch, the
petitioner who happens to be brother of the informant alongwith
his wife started abusing and later on, the wife of the petitioner
brought a sword from his house and handed it over to her
husband (petitioner), whereupon this petitioner assaulted his
brother (informant), due to which he sustained severe injury on



his hand.

4. Learned Advocate appearing on behalf of the petitioner submits that in fact on account of some dispute in Panchayati, the petitioner got enraged and assaulted his own brother by means of rod, due to which his brother sustained injury, but, admittedly there was no repeated blow and even if the allegation taken to be true for the sake of argument, the same is on non-vital part, though it is shown to be grievous in nature. The materials available on record in no circumstances constitute the offences under Section 109(1) of the Indian Penal Code. The petitioner bears fair antecedent and he undertakes that he would not indulge in such activities and abide by all the terms and condition of this Court.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that the petitioner has brutally assaulted his own brother, leading to grievous injury.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the parties are own brother and the injury is on non-vital part, coupled with the fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court



below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 318 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with further following conditions:-

(i) One of the bailors shall be the own/close family members of the petitioners.

(ii) If the petitioner shall indulge in intimidating or threatening the informant and the witnesses, they shall be at liberty to file cancellation of their bail bonds.

(Harish Kumar, J)

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