

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74876 of 2025

Arising Out of PS. Case No.-83 Year-2025 Thana- FALKA District- Katihar

Md. Naushad S/o Late Md. Islam R/o Village- Manjhadiyara, P.S.- Falka,
District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Advocate
		Mr. Binod Kumar, Advocate
For the Opposite Party/s	:	Mr. Kalyan Shankar, APP
For the Informant	:	Mr. Sita Ram Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-11-2025 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 Falka P.S. Case No. 83 of 2025, dated 04.07.2025, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 352, 3(5) of the B.N.S., 2023.

3. As per the prosecution case, the petitioner and other co-accused persons in order to grab the land of the informant assaulted the husband of the informant. This petitioner hit on the head of the informant on back side by spade causing fracture. The informant was further assaulted by co-accused persons. Both the informant and her husband became unconscious. The



assailants fled away thinking them to be dead.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. The present case is totally false and concocted and the occurrence allegedly took place on 17th June, 2025 but the F.I.R. has been lodged on 4th July, 2025 and there is no satisfactory explanation for such delay. The independent witnesses examined during investigation had stated about the quarrel taking place between husband of the informant and the petitioner and in that fighting, informant's husband received injury on right temporal parieto and frontal again and the nature of the injury is stated to be grievous. The police after investigation submitted final form and did not send up a number of co-accused persons for facing trial and submitted charge-sheet only against this petitioner and one Kajal Khatoon. Therefore, the case of the informant has been disbelieved by the investigating agency. Learned counsel further submits that petitioner is own brother of the husband of the informant and dispute arose due to partition. The petitioner is having clean antecedent and is in custody since 16.07.2025.

5. Learned A.P.P. appearing on behalf of the State as well as informant vehemently opposes the submission made on



behalf of the petitioner. Learned counsel for the informant submits that the informant's husband received injury on the head which is vital part of the body and said injury is stated to be grievous.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the background of land dispute, period of custody of the petitioner submission of chargesheet and petitioner having clean antecedent, the petitioner, above-named, is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Katihar/ concerned Court, in connection with Falka P.S. Case No. 83 of 2025, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

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

(ii) The petitioner 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 non-appearance of the petitioner on single date or in violation of the terms of the bail, the bail bond



of the petitioner will be liable to be cancelled by the Court
concerned.

(Arun Kumar Jha, J)

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