

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81866 of 2025

Arising Out of PS. Case No.-428 Year-2025 Thana- AMARPUR District- Banka

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1. Md. Sonu, Son of Md. Moshtaqueem, Resident of Village- Dauna PS-
Amarpur District- Banka
 2. Md. Chunnu, Son of Md. Moshtaqueem, Resident of Village- Dauna PS-
Amarpur District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-12-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Amarpur P.S. Case No. 428 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 74, 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. While the informant was engaged in filling soil over his land, the accused persons, including the petitioners, came there and started abusing and assaulting by means of fists and slap. When the husband of the informant came to her rescue, it is specifically alleged that petitioner no.2 assaulted him by means of *Iron* rod over his head, due to which he



sustained injury. So far the petitioner no.1 is concerned, he assaulted one Md. Farid by means of *Farsa*, due to which he also received serious injury. There is further allegation against the accused persons of causing assault to the informant.

4. Learned Advocate for the petitioners submitted that from reading of the F.I.R., it is evident that the occurrence took place on account of a land dispute. Due to the aforesaid dispute, the parties have entered into a free fight, resulting into injuries to the persons of both the sides, leading to institution of case and counter case, bearing Amarapur P.S. case no. 433 of 2025, instituted against the informant and others. In the said incidence, the persons of the petitioners have also sustained grievous injury. So far the injury, which is allegedly sustained to the informant's husband, Md. Kausar and Md. Farid are concerned, all of them have been found to be simple in nature, except one, sustained on the finger of Md. Kausar, which is said to be on non-vital part. The petitioners are men of fair antecedent and they undertake that they will fully cooperate in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioners are the persons, who have brutally assaulted the



informant and her husband as well as other family members, due to which all of them have sustained injuries, out of them one has been found to be grievous in nature.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the genesis of the occurrence, coupled with the factum of case and counter case, as also the injury report, besides the fair antecedent of the petitioners, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 428 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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