

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80868 of 2025

Arising Out of PS. Case No.-114 Year-2025 Thana- GARHI District- Jamui

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Himayun @ Alamgir @ Md. Hemaun Alam, S/O Ialayas @ Ismayail @
Marhum Ialayas Mian, Resident of Village- Purani Jhikkti, P.S- Garhi, Distt.-
Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2025 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 Garhi P.S. Case No. 114 of 2025, registered for the
offences punishable under Sections 126(2), 115(2), 118(1),
329(3), 76, 303(2), 352, 351(2), 109(1) and 3(5) of the
Bharatiya Nyaya Sanhita.

3. On the fateful day while the informant was going to
his field alongwith his brother Shamim, in the meanwhile, all
the FIR named accused persons including the petitioner
surrounded them and assaulted by means of iron rod, *lathi*,
sword and axe. It is specifically alleged that co-accused Babar



Mian assaulted the brother of the informant over his head by means of sword, due to which he sustained head injury. There is allegation against the petitioner of causing assault to the informant, due to which he fell down and thereupon all of them assaulted the niece of the informant who came to his rescue. There is further allegation of snatching of valuables against others.

4. Learned Advocate appearing on behalf of the petitioner submitted that the alleged occurrence took place in the evening of 20.07.2025, but the present FIR came to be instituted on 22.07.2025. So far the allegation against the petitioner is concerned, there is no discussion with regard to the injury over the body of the informant, moreover, the injury sustained to the brother of the informant, namely Shamim, has been found to be grievous in nature, but the same has been attributed to co-accused Babar Mian. The reason behind the occurrence is said to be a land dispute. The petitioner bears fair antecedent and he undertakes that he will cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that the petitioner is facing the specific accusation of causing



assault to the informant.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the allegation against the petitioner *qua* the absence of any discussion regarding injury over the informant, besides the fair antecedent of the petitioner, 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 Judicial Magistrate, 1st Class, Jamui in connection with Garhi P.S. Case No. 114 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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