

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81419 of 2025

Arising Out of PS. Case No.-99 Year-2025 Thana- MANSAHI District- Katihar

1. Md. Sahil Son of Late Taiyab Ali Resident of Village - Bhermara, P.S.- Mansahi, District - Katihar.
2. Rukshana Khatoon Wife of Md. Shafik Resident of Village - Bhermara, P.S.- Mansahi, District - Katihar.
3. Md. Shafik @ Shafi Alam @ Md. Safik Alam Son of Late Taiyab Ali Resident of Village - Bhermara, P.S.- Mansahi, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.
For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-12-2025 Heard learned Advocate for the petitioners and
learned Advocate for the State.

2. The petitioners apprehend their arrest in connection with Mansahi P.S. Case No.99 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 109, 303(2) and 3(5) of the BNS, 2023.

3. Allegedly, on the fateful day, while the husband of the informant was sitting in his shop, in the meanwhile, all the petitioners variously armed with iron rod and khanti came there. On the exhortation made by petitioner no.3, petitioner no.2 gave repeated iron blow over the head of the husband of the



informant, whereupon petitioner no.3 gave khanti blow on his temple, due to which the blood started oozing. Petitioner no.1 also assaulted the informant's husband by means of fist and slap. Besides the aforesaid allegation, there is further allegation against petitioner no.2 of snatching of Rs.1,50,000/- from the cash box.

4. Learned Advocate for the petitioners contended that the petitioners no.1 and 3 are none else but the own brothers of the informant whereas petitioner no.2 is the wife of petitioner no.3. Prior to the alleged occurrence, petitioner no.3 had filed an informatory petition before the court of Chief Judicial Magistrate, Katihar vide Case No.2028 of 2024. The land dispute is also evident from the fact that a Mutation Appeal Case No.1410 of 2025 is pending in the Court of D.C.L.R., Katihar against Mutation Case No.2031 of 2022-23. The false implication of the petitioners also cannot be ruled out for the simple reason that the occurrence took place on 19.06.2025 whereas the present FIR came to be instituted after a delay of twelve days on 02.07.2025 without there being any explanation. It is next contended that though the husband of the informant has sustained four injuries, out of which one injury is said to be grievous in nature, but that does not corroborate with the



allegation of repeated iron blow over his head. Be that as it may, the petitioners are the persons of fair antecedent and they undertake that they will fully cooperate in the proceeding of the Court and would not indulge in such kind of activity and restrained themselves from intimidating the witnesses or the informant.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that there is specific allegation against all the petitioners and moreover because of the assault being made by petitioner no.2, the informant's husband has sustained grievous injury.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the unexplained delay in lodging of the FIR, coupled with the genesis of the occurrence, besides the fair antecedent of the petitioners as also the fact that petitioner no.2 is a lady, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Katihar in connection with Mansahi P.S. Case No.99 of 2025, subject to



the condition as laid down under Section 482(2) of the BNSS,
with further condition that one of the bailors shall be the
own/close family members of the petitioners.

(Harish Kumar, J)

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