

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82273 of 2025

Arising Out of PS. Case No.-14 Year-2025 Thana- BIRPUR District- Supaul

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Rahabar Hussain @ Rahabar Alam S/o- Md. Islam @ Islam Resident of
village - Padampur, Ward No. 09, Police Station - Birpur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-12-2025 Heard the learned Advocate for the petitioner and the

learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Birpur (Balua Bazar) P.S. Case No. 14 of 2025, registered
for the offences punishable under Sections 126(2), 115(1),
118(2) and 109/3(5) of the BNS Act, 2023.

3. While the informant was sleeping in his house, in
the meanwhile, when his nephew went to attend the call of the
nature, the petitioner along with two other accused persons
assaulted him by means of sharp cutting weapons. On *halla*
being raised, when the informant reached there, he was also
assaulted by co-accused persons, due to which he sustained
injury in his hand.

4. Learned Advocate for the petitioner submitted that



from the reading of the FIR, it is evident that the informant is not an eyewitness to the alleged occurrence, moreover, during the course of investigation, when the statement of the injured was recorded by the investigating officer, he has disclosed that the petitioner along with one co-accused Tauaav have inflicted a knife blow, due to which he sustained injury in his neck. The injury, which is discussed in the impugned order is said to be 4.5 cm X 4 cm and thus, superficial in nature is the contention of the learned Advocate for the petitioner. Hence, the learned Court below knowingly did not disclose the nature of injury, moreover, the petitioner is a man of fair antecedent and the reason behind the said occurrence is previous dispute with regard to payment of due wages.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that there is a specific accusation against the petitioner of inflicting knife blow and there is a corresponding injury and, as such, complicity of the petitioner cannot be denied.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the nature of accusation against the petitioner with co-accused person and a superficial injury, besides 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 Additional Chief Judicial Magistrate, Birpur, Supaul in connection with Birpur (Balua Bazar) P.S. Case No. 14 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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