

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84402 of 2025

Arising Out of PS. Case No.-52 Year-2025 Thana- PUWAKHALI District- Kishanganj

1. Md. Sakir S/o Md. Salim R/o Village - Mohan Toli (Bhatia Tola), P.S - Powakhali, District - Kishanganj
2. Md. Jawed @ Md Jawod S/o Md. Salim R/o Village - Mohan Toli (Bhatia Tola), P.S - Powakhali, District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-12-2025 Heard the learned Advocate for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Pauwakhali P.S. Case No. 52 of 2025, registered for the offences punishable under Sections 126(2), 115, 109, 303, 76, 352 and 3(5) of the B.N.S.

3. On the fateful day, while the petitioners along with one another accused persons were engaged in ploughing the field by tractor and when the informant requested them to plough his field, the same was refused. When the repeated request was made by the informant, this infuriated the petitioners and thereupon they assaulted the informant by means



of iron rod, due to which he sustained injury over his head. It is further alleged that on hearing the screaming, the other accused persons also came there with *lathi*, *dabia* and *farsa* and again assaulted the informant and his wife, besides the allegation of misbehave.

4. Learned Advocate for the petitioners submitted that the genesis of the occurrence is nothing but a land dispute, which resulted into some scuffle and unfortunate injuries, however, it has not been specifically attributed to anyone. So far the petitioners are concerned, they bear fair antecedent and the occurrence took place on account of a heat of rage. It is lastly contended that the petitioners undertake that they will fully co-operate in the proceeding of the Court and would not indulge in such activities in future.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the informant has sustained grievous injury over his head, which is specifically attributed to the petitioners and one another accused person, who had initially assaulted the informant by means of iron rod.

6. Having considered the submissions set-forth by learned Advocate for the respective parties and taking note of



the nature of accusation, coupled with the genesis of occurrence as well as fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their 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) **each** with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Pauwakhali P.S. Case No. 52 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further conditions that:-

(i) One of the bailors shall be the own/close family members of the petitioners.

(ii) If the petitioners found involve in intimidating the informant/witnesses or tampering with the evidence, the informant/State shall be at liberty to file an application for cancellation of the bail of the petitioners.

(Harish Kumar, J)

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