

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84372 of 2025

Arising Out of PS. Case No.-274 Year-2025 Thana- PAKRIDAYAL District- East Champaran

1. Tanvir Khan @ Mohammad Tanbeer Ahmad Khan @ Md. Tanvir Ahmad Khan S/O Jafarullah Khan R/O Village - Chorma, Ward No.10,P.S- Pakridayal,Dist.- East Champaran,Bihar
2. Ali Nawaz Khan S/O Jafarullah Khan R/O Village - Chorma, Ward No.10,P.S- Pakridayal,Dist.- East Champaran,Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubham Shivansh, Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-12-2025 Heard Mr. Shubham Shivansh, learned Advocate for the petitioners and Mr. Ram Sevak Choudhary, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Pakridayal P.S. Case No. 274 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 125(a), 352, 351(2) and 3(5) of the BNS.

3. In the evening of the fateful day, while the informant went to ask for rent to the petitioners, he was assaulted by the petitioners by means of iron rod leading to serious injuries. When the uncle of the informant came to his rescue, he was also assaulted and threatened with dire consequences.

4.Learned Advocate for the petitioners submitted that



in fact it is the informant and his persons, who are aggressors and came to evict the petitioners forcibly due to which some hot exchange of talk took place resulting into a free fight leading to injuries to persons of both the sides. There is counter version of the present case being Pakridayal P.S. Case No. 281 of 2025 lodged by the petitioner No. 2, copy of which is also enclosed as Annexure-P/2. Prior to institution of the counter case, as noted hereinabove, the petitioners' side had also instituted Pakridayal P.S. Case No. 231 of 2025 against the informant and others and thus undoubtedly there is a long standing enmity between the parties. So far the injury, which is allegedly sustained to the informant is concerned, the injury which is sustained over the head of the informant, the same has been found to be simple in nature, whereas one injury sustained over the wrist of the informant, it has been said to be grievous in nature which is on non vital part. The petitioner No. 1 though bears one criminal antecedent, whereas petitioner No. 2 bears two criminal antecedent but so far Pakridayal P.S. Case No. 232 of 2025 is concerned, that has been instituted by the informant side against both the petitioners.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that



besides the petitioners are carrying criminal antecedent, they have brutally assaulted the informant leading to grievous injury.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the genesis of occurrence, coupled with the factum of case and counter case as well as the injuries sustained to the persons of both the sides, besides the fact that the grievous injury, which is allegedly sustained to the informant is on non vital part, let the petitioners abovenamed 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 ACJM 8th, East Champaran, Motihari in connection with Pakridayal P.S. Case No. 274 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 petitioners.

(Harish Kumar, J)

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