

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87436 of 2024

Arising Out of PS. Case No.-147 Year-2024 Thana- AURAI District- Muzaffarpur

Md. Nirale @ Md. Noor Alam S/O Abdul Rajjak R/O Village- Yogia, P.S-
Aurai, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Bela Singh, Advocate
For the State	:	Ms. Suman Kumari Singh, APP
For the Informant	:	Md. Ghulam Mustafa, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 21-04-2025 Heard learned counsel for the petitioner and learned
APP for the informant as well as learned APP for the State.

2. The petitioner seeks regular bail in connection with
Aurai P.S. Case No. 147 of 2024, G.R. No. 3456 of 2024
instituted for the offences under Sections 126(2), 115(2), 117(2),
109, 303(2), 118(1) and 3(5) of the Bhartiya Nyay Sanhita.

3. The prosecution case is to the effect that Md.
Naushad gave his fardbeyan to the police that on 107.07.2024
while he was going along with his son, all the six FIR named
accused persons including the present petitioner at the
investigation of co-accused Aas Mohammed snatched away
certain medicines and cash on the point of pistol. On protest Aas
Mohammed is said to have been inflicted pistol blow on the
head causing head injury while two persons namely, Md. Arshad



@ Buddhan and Md. Nirale (petitioner) inflicted repeated knife blow on the neck, left shoulder and left thigh causing bleeding injury.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and false and concocted story has been developed implicating the present petitioner as well as the other petitioners in this case. The learned counsel submits that the allegation of repeated blows is not supported from the perusal of the medical report which can be seen from the perusal of the case diary wherein only two injuries are stated to be there one knife injury on the left neck of the said Md. Naushad and one injury on the head of the said Md. Naushad. The learned counsel for the petitioner further submits that subsequently, the final report has also come and it suggests on the basis of the NCCT Report that the injury suffered was simple in nature and lastly it has been submitted that the petitioner is in custody since 25.09.2024.

5. Learned counsel for the informant and the learned APP for the State has stated that the petitioner does not deserve the liberty of bail as there is specific allegation of repeated assault and that has resulted into a serious injury to the informant and he has drawn the attention of this Court to the



medical report by way of Annexure- R2 series showing that the petitioner was subsequently taken for treatment to the PMCH and recently to IGIMS Patna which shows that due to the injuries caused by the petitioner and others, he has some problem with the spine and as on date he is not able to walk without assistance. The learned counsel for the informant has also stated that since there is specific allegation upon the petitioner to have assaulted the said Md. Arshad, he does not deserve the liberty of bail.

6. Considering the aforesaid facts and circumstances of the case and also taking into account that there is allegation upon the petitioner along with one Md. Arshad to have inflicted knife blow however, from the perusal of the injury report, the allegations as made in the FIR does not support the factum of the prosecution case as alleged. Further, it also appears from the perusal of the case diary that the similarly situated co-accused namely, Md. Arshad @ Buddhan who has also been stated to have inflicted knife blow upon the said Md. Arshad was released on police bail. In view of the aforesaid facts and circumstances, let the petitioner be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Court No. 03 of Judicial Magistrate, 1st Class (East),
Muzaffarpur in connection with Aurai P.S. Case No. 147 of
2024.

(Sourendra Pandey, J)

Raj Ranjan/-

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