

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2887 of 2025

Arising Out of PS. Case No.-52 Year-2024 Thana- Purbasarai District- Munger

1. Md. Arif, Son of Noor Mohammad, Resident of Village/Mohalla- Aazad Colony Kamela Road, Purabsarai, PS- Purabsarai, Distt.- Munger
2. Md. Sohel, Son of Late Md. Anjar, Resident of Vilage/Mohalla- ITC Quarter, Basudeopur, P.S.- Basudeopur(Kotwali), Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-02-2025 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Purabsarai P.S. Case No. 52 of 2024, registered for the offences punishable under Sections 74, 76, 110, 115(2), 126(2), 329(4), 351(3), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Based upon the written report, the informant alleged that on 18.08.2024 on account of a dispute as has arisen due to partition, all the accused persons including the petitioners came there and started abusing and assaulting. It is specifically alleged that both these petitioners have assaulted the husband of



the informant by means of iron rod, due to which he sustained severe injury over his head.

4. Learned Advocate appearing on behalf of the petitioners referring to the F.I.R. contended that both the parties are close agnates and the genesis of the occurrence is said to be a partition amongst the family members. The allegation levelled against the petitioners of causing assault does not corroborate with the injury report, inasmuch as, only one injury has been found over the head, of the informant's husband, that too simple in nature. It is further contended that the petitioners bear fair antecedent and moreover, the alleged occurrence took place on 18.08.2024. The present F.I.R. has been instituted on 04.09.2024, after a delay of eighteen days, without there being any explanation for the same. It is lastly contended that with respect to the land dispute, Title Suit bearing no. 296 of 2024 is also going on between the parties.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that specific allegation has been levelled against the petitioners of causing head injury to the husband of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the



F.I.R. and the genesis of the occurrence arising out of a land dispute, coupled with the simple injury and the 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate in connection with Purabsarai P.S. Case No. 52 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. 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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