

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2853 of 2026

Arising Out of PS. Case No.-189 Year-2025 Thana- DAGARUA District- Purnia

Md. Tahsin S/o Late Kabir R/o Village - Dubaili, Ward No. 4, P.S - Dagarua,
District - Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kushal, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 01-04-2026 Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with Dagarua P.S.Case No.189 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 109, 303(2), 352, 351(2) and 3/5 of BNS.

3. As per the allegations made in the FIR, the petitioner along with other co-accused persons assaulted the informant and his family members with an intention to kill them, causing injuries on vital parts of their bodies.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and has been falsely implicated in the present case due to prior enmity between the parties. Learned counsel further submitted that the



allegation against the petitioner is general and omnibus in nature. Although, it is alleged in the FIR that the petitioner along with co-accused persons, namely, Md. Shahjahan, Md. Kalam and Md. Saukat assaulted the informant on his head, however, the injury report discloses only one head injury, which, as per the medical opinion, is simple in nature. Learned counsel further submitted that there is a delay of two days in lodging the FIR, which raises doubt on the prosecution version. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposes the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the materials available on record, it appears that the informant has sustained only one injury on the head, which has been opined to be simple in nature. Though the allegation in the FIR is that the petitioner, along with the other co-accused persons, namely, Md. Shahjahan, Md. Kalam and Md. Saukat, assaulted the informant, as such, it cannot be ascertained as to which of the accused caused the said injury. So far as, the injury report of the injured Md. Muzahid is concerned, it is simple in nature. The petitioner is directed to be released on pre-arrest bail, in the event of his



arrest or surrender before the learned district court within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-1st class, Purnia/concerned court, in connection with Dagarua P.S.Case No.189 of 2025, subject to conditions as laid down under Section 482(2) of BNSS of 2023

7. The learned district court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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