

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30206 of 2026

Arising Out of PS. Case No.-270 Year-2024 Thana- SONBERSA District- Sitamarhi

Md Safdar Ali @ Bhutari S/o Late Tafazzul Hussain R/o Village -
Mobarakpur(Mubarakpur), P.S. - Sonbarsa, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-05-2026 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel appearing on behalf

of the informant.

02. In the present case, the petitioner seeks bail in
connection with Sonbarsha P.S. Case No. 270 of 2024 registered
for the alleged offences under Sections 191(2), 115(2), 118,109,
76, 352, 351 of the B.N.S. 2023.

03. As per prosecution case, the petitioner and other
co-accused persons, variously armed, in the background of land
dispute, came to the house of the informant and assaulted the
informant and other persons causing a number of injuries to
them.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner and informant are next door neighbors and there is land dispute between them. There is a counter case and the petitioner's side has lodged Sonbarsha P.S. Case No. 258 of 2024 against the informant's side which is earlier in time. In order to save their skin, the informant's side has lodged the present false case after much deliberation and delay of eight days. Four persons from the petitioner's side received injuries and there is no explanation for the same. Learned counsel further submits that the allegation against the petitioner is that he assaulted the informant with sword but no such injury has been found as the injuries are stated to be caused by hard and blunt substance and one injury is simple and another is fracture of ulna bone. Further, the allegation against the petitioner is that he assaulted one Md. Faizi with iron rod after taking the same from Momina Khatoon but the same is not believable. If he was carrying sword why he would use iron rod. The learned counsel further submits that the treatment paper of Md. Faizi shows he received injury while playing cricket. Learned counsel further submits that the learned trial court has not discussed the merits of the case and rejected the prayer for bail merely on the ground of stage of cases of criminal antecedent of the petitioner. Other



co-accused persons have been granted bail by learned Coordinate Bench vide orders dated 12.05.2025 and 21.05.2025 passed in Cr. Misc. Nos. 13543 of 2025 and 32637 of 2025, respectively. The petitioner is having antecedent of six cases and he is on bail in all such cases. The petitioner is in custody since 24.11.2025 and charge sheet has been submitted.

05. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that Md. Faizi received serious injuries and was referred to IGIMS for better treatment and was under treatment for six months.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of injury attributed to the petitioner and also consider the period of custody of the petitioner and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Sitamarhi/concerned Court in connection with Sonbarsha P.S. Case No. 270 of 2024, subject to the conditions mentioned in Section 480(3) of



B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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