

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30050 of 2026

Arising Out of PS. Case No.-472 Year-2025 Thana- BAHERI District- Darbhanga

1. Md. Fariyaz @ Faiyaj Alam S/O Md. Mustaque @ Md Mustak R/O Vill.- Baligaon, P.S.- Baheri, Dist.- Darbhanga
2. Md. Azad S/O Md. Shamshul @ Md. Shamsul R/O Vill.- Baligaon, P.S.- Baheri, Dist.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shweta Anand
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-05-2026 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Baheri P.S. Case No. 472 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 191(2), 190, 109(1), 118(1), 329(4), 308(2), 324(4), 351(2), 352 and 303(2)j of the BNS.

3. As per FIR, petitioners alleged to assault daughter of informant causing bodily injuries, where injury as alleged to caused by petitioner was made with an intention to cause death. Occurrence alleged to be arises out of trivial neighborhood disputes and differences.

4. It is submitted by learned counsel appearing on behalf of the petitioners that parties are in enmical terms, which



can be gathered from the fact that after the occurrence petitioner's side also lodged the case against petitioner and family registered as Baheri P.S. Case No. 479 of 2025. It is submitted that allegation against petitioner no. 1 is limited as to caught hold hair of the wife of the informant, whereas allegation against petitioner no. 2 is to assault daughter of informant causing head injury, but it was not repeated and upon medical examination nature of injury was found simple in nature. In this context it pointed that merely as the injury was inflicted on vital part of the body, petitioner can not be said under intention to cause death as to constitute the same, several factors are required be taken into consideration i.e., manner of occurrence, manner of assault, nature of weapons used for assault, body part where assault was made, nature of injuries and pre and post conduct of accused persons. In support of her submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through State of **Himachal Pradesh Vs. Shamsheer Singh, [2025 SCC OnLine SC 807]**.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual and legal submission and by taking note of fact as injury which alleged to be caused by accused petitioners not appears repeated, which found to cause



simple injury, prima-facie negating intention to cause death, accordingly both above-named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-VII, Darbhanga/concerned Court, where the case is pending in connection with Baheri P.S. Case No. 472 of 2025 , subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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