

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45246 of 2026

Arising Out of PS. Case No.-293 Year-2025 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Md Anwar Alam S/o Late Sagir Uddin
 2. Md. Afroz Alam S/o Md. Anwar Alam
 3. Md. Firoz Alam S/o Md. Anwar Alam
 4. Md. Siroj Alam @ Md. Siraj Alam S/o Md. Anwar Alam
 5. Md. Tabrez Alam S/o Md. Anwar Alam
- All are Resident of Village - Madhuban, ward no 16, P.S.- Simri,
Bakhtiyarpur, District -Saharsa, Bihar.

... .. Petitioners

Versus

1. The State of Bihar
2. XXX S/o Md. Masood Alam R/o vill - Madhuban, ward no. 5, P.S.- Simri
Bakhtiyarpur, Dist.- Saharsa, Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate
	:	Mr. Bhaskar Anand, Advocate
For the Informant/OP no.2	:	Mr. Satish Kumar Singh, Advocate
	:	Mr. Dinesh Maharaj, Advocate
For the Opposite Party/s	:	Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR

and apprehending their arrest in connection with Simri

Bakhtiyarpur P.S. Case No.293 of 2025 registered under

Sections 126(2), 115(2), 324(3), 117(2), 118(1), 75,

303(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita,



2023 (in short 'BNS') and Sections 4 & 6 of the POCSO Act.

3. As per FIR, co-accused persons including petitioners alleged to assault the informant and others causing head and bodily injuries by using lathi, rod etc., where alleged injuries were made with intention to cause their death. Occurrence alleged to be arising out of neighborhood disputes and differences due to storing of building materials on the common road.

4. It is submitted by learned counsel appearing for the petitioners that the occurrence was free fight in nature, where both parties received injuries and for same set of occurrence the petitioners' side also lodged a case which has been registered as Simri Bakhtiyarpur P.S. Case No.287 of 2025. It is further submitted that the occurrence took place on 17.09.2025, but the present FIR was lodged on 28.09.2025 after about 11 days, whereas the petitioners' side lodged his case immediately on 19.09.2025. It is further submitted that as occurrence was free fight in nature, it can be safely said that the petitioners were not under intention to cause death of injured persons during the



occurrence. It is further submitted that injuries as alleged to be caused upon injured persons, upon medical examination found simple in nature and moreover, the petitioners who are none but the father and sons are of clean antecedent.

5. Learned APP duly assisted by the learned counsel for the informant Mr. Satish Kumar Singh and Mr. Dinesh Maharaj, while opposing the prayer of bail submitted that the matter now compromised between the parties and further approved that the nature of injury upon injured after medical examination found simple.

6. In view of aforesaid factual submissions and by taking note of fact, as injury alleged to be caused by these petitioners upon informant and other injured persons, after medical examination found simple in nature, coupled with the fact that the occurrence *prima facie* appears free fight in nature, accordingly, all five above-named petitioners, who are of clean antecedent, are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, on 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
A.D.J.-VI-cum-Special Judge, POCSO, Saharsa in connection
with Simri Bakhtiyarpur P.S. Case No.293 of 2025, subject
to the conditions as laid down under Section 438(2) of the
CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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