

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41199 of 2026

Arising Out of PS. Case No.-123 Year-2026 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Afroz Ali S/O Bhunush Ali Resident of Village - Savath, P.S. - Durgawati, District - Kaimur, Bhabua
2. Shamsher Ali Son of Hamid Ali Resident of Village - Savath, P.S. - Durgawati, District - Kaimur, Bhabua
3. Sarfaraj Ali Son of Yunush Ali. Resident of Village - Savath, P.S. - Durgawati, District - Kaimur, Bhabua
4. Muslim Ali Son of Hamid Ali. Resident of Village - Savath, P.S. - Durgawati, District - Kaimur, Bhabua

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Kumar Sunil, Advocate
		Mr.Saharsh Shubham, Advocate
For the Opposite Party/s :		Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-06-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Durgawati P.S. Case No. 123 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 303(2), 118(1), 109(1), 117(2), 352, 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. The allegation against the petitioners is to assault the informant and others during course of occurrence causing head



and bodily injury having intention to cause death, where the occurrence alleged to be arising out of land dispute.

4. Learned counsel appearing on behalf of the petitioners submitted that allegation of physical assault against the petitioners is very much general and omnibus in nature. It is pointed out that the present occurrence took place in the background of land dispute, for which one Title Suit is pending between the parties in the court of learned Munsif, Sub-Divisional Civil Court, Mohania, Kaimur, as Title Suit No. 318/2023.

5. It is also pointed out that countering the aforesaid case, a complaint case was also filed, which has been registered as Complaint Case No. 122/2026, which is pending for enquiry before the learned Magistrate.

6. It is submitted by learned counsel that upon medical examination, nature of injury was found simple except one which was on right finger and grievous in nature. It is pointed out that as by taking note of nature of injury and also it was on non-vital part, it can be safely said that petitioners were not under intention to cause death of the informant and other injured persons. Petitioners claimed clean antecedent.

7. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners.

8. In view of the aforesaid factual submissions and by taking note of the nature of injury and also the body part where grievous assault as alleged was found, coupled with the fact that occurrence took place in the background of land dispute for which one title suit, as discussed aforesaid, is pending between the parties, accordingly, above-named petitioners, who are men of clean antecedent, in the event of their arrest/surrender within a period of four weeks from this order, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Mohania, Kaimur/concerned court in connection with Durgawati P.S. Case No. 123 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

U		T	
---	--	---	--

