

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43985 of 2026

Arising Out of PS. Case No.-207 Year-2026 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Kundan Kumar S/o Ramshobhit Mahto R/o vill- Kesava Nijamat, PS-
Muffasil, District- Samastipur
 2. Md. Mokhtar Khan S/o Chhote Khan R/o vill- Kesava Nijamat, PS-
Muffasil, District- Samastipur
 3. Md. Shamsheer Khan S/o Motiur Rahman Khan R/o vill- Kesava Nijamat,
PS- Muffasil, District- Samastipur
 4. Md. Safi Alam @ Murtuja S/o Lal Mohammad R/o vill - Kevash Jagir, P.S.-
Muffasil, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-07-2026 Heard learned Advocate for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection
with Muffasil P.S. Case No. 207 of 2026, registered for the
offences punishable under Sections 126(2), 115(2), 118(1),
109(1), 303(2), 352, 351(2), & 3(5) of the BNS.

3. On the given date and time of occurrence, when the
wedding procession arrived, the petitioners along with others
arrived in two Toto vehicles and attacked the informant and
others, due to which they sustained serious injuries. There is a



specific accusation against Mr. Safi Alam @ Murtja, who inflicted the informant by means of sharp weapons and petitioner no. 1 assaulted the informant by means of butt of the pistol; there is omnibus nature of allegation against the petitioner nos. 2 and 3 of causing assault.

4. Learned Advocate for the petitioners submitted that *prima facie* from the allegation it appears that the parties are known to each other and only on account of some dispute while procession of marriage was going on a scuffle has taken place, due to which some of the persons have sustained injuries. Moreover, the injuries are not serious in nature, as the same has not even been discussed in the impugned order nor it is the case of the prosecution that the informant was taken to hospital for treatment. Though the petitioners bear one and two criminal antecedents, however, they are on bail in the said cases and they undertake that they will not indulge in such activities in future.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioners appear to be habitual offenders and indulge in such activities of *mar-peet* and creating nuisance.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no



discussion with regard to nature of injuries coupled with the genesis of the occurrence, as also the fact that parties do not want to proceed with the case and settle the animosity and they also undertake that they shall not indulge in such activities, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 2nd, Samastipur in connection with Muffasil P.S. Case No. 207 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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