IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62604 of 2026

CNR No. BRHC010866832026

Arising Out of PS. Case No.-67 Year-2025 Thana- HARSIDHI District- East Champaran

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Saimuddin Miya @ Shaimuddin S/o Late Habib Miyan R/o Village- Ghiwadhar, P.S- Harsidhi, Dist- East Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 29-10-2026 Heard Mr. Anil Kumar, learned Advocate for the petitioner and Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Harsidhi P.S. Case No. 67 of 2025, registered for the offenses punishable under Sections 126(2), 127(2), 115(2), 117(2), 103, 351, 3(5) of the B.N.S.

3. Allegedly, in the evening of the fateful day, co-accused persons called upon the husband of the informant and started abusing and assaulting. It is specifically alleged that the petitioner along with his wife and other co-accused persons confined him in a room and brutally assaulted by means of lathi and danda. There is further allegation that the petitioner along

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with co-accused Mashoor Miyan assaulted the informant's husband over the back side of his head, due to which he sustained injuries. When the informant and others came to his rescue, they were also assaulted. In the said incident, the informant's husband succumbed to the injuries and died.

4. Learned Advocate for the petitioner submitted that the present FIR came to be instituted in the genesis of a land dispute. Moreover, with respect to an offence which is alleged to have taken place in the evening of 06.02.2025, the present FIR came to be instituted on 08.02.2025, and as such, it is argued that false implication and exaggeration of the accusation cannot be ruled out. The entire prosecution case falls to the ground for the simple reason that the post-mortem report does not corroborate the allegation of causing assault by means of lathi and danda, inasmuch as no mark of injury is found over the body of the deceased, and as such, the viscera has been preserved and sent to the Forensic Science Laboratory. Taking this Court through the FIR, it is once again submitted that, in fact, the informant was not an eyewitness to the alleged occurrence once it is said that the deceased was confined in a room and thereafter assaulted. The present case is nothing but in order to exert pressure and get the land in dispute captured. It is

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lastly contended that, be that as it may, the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that the ocular evidence clearly suggests that the deceased was assaulted by the petitioner along with other co-accused persons. The post-mortem report can be looked into at the time of trial.

6. Having considered the rival submissions advanced by learned Advocate for the respective parties and taking note of the fact that the post-mortem report prima facie does not corroborate the allegation of causing assault by means of lathi and danda, as no mark of injury has been found over the body of the deceased, besides the delay in lodging of the FIR, as well as the genesis of the occurrence is a land dispute, as also the petitioner is carrying fair antecedent, let the petitioner above named be released on bail, in the event of his 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. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sadar, Motihari, East

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Champaran in connection with Harsidhi P.S. Case No. 67 of 2025, 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 petitioner.

(Harish Kumar, J)

Siddharth Kr.
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