

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70450 of 2024

Arising Out of PS. Case No.-76 Year-2013 Thana- RAMGARHWA District- East Champaran

Jayaulah @ Md. Jayaulah @ Md. Zeyaulah Son of Late Sk. Md Nasrullah
Resident of Village- Adhkaparia, P.S. - Ramgarhwa, District- East Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 04-02-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Ramgarhwa P.S. Case No. 76 of 2013 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 376, 504, 354, 427, 448 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per FIR, informant and others were assaulted during the occurrence by petitioner and other co-accused persons by using lathi, iron rod etc., causing head and other bodily injuries with an intention to cause their death. Allegation of rape is also available against Shamse Alam.

4. It is submitted by learned counsel appearing on behalf of the petitioner that allegation against this petitioner is



available to assault the informant and others during the occurrence along with other co-accused persons, which appears very much general and omnibus in nature. Allegation of rape is specifically available against co-accused Shamse Alam. While arguing further, it is submitted that police after investigation submitted final form against petitioner, but learned Trial Court took cognizance against petitioner. It is submitted that occurrence took place in the background of land dispute and moreover injury received by injured appears simple in nature. While concluding argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact as allegation of rape is not available against this petitioner and allegation *qua* physical assault appears very much general and omnibus against this petitioner prima-facie negating intention to cause death in view of simple injury, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Raxaul at Motihari/concerned Court, where the case is pending in connection with Ramgarhwa



P.S. Case No. 76 of 2013, 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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