

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66707 of 2025

Arising Out of PS. Case No.-139 Year-2025 Thana- Mufassil District- Purnia

1. Md. Niyaz S/O Late Md. Abbas R/O Vill.- Kanala/Kanela, P.S.- Muffasil @ Mufassil, Dist.- Purnea
2. Md. Nazrul S/O Md. Zaheer R/O Vill.- Kanala/Kanela, P.S.- Muffasil @ Mufassil, Dist.- Purnea
3. Md. Zaheer S/O Late Md. Ibrahim R/O Vill.- Kanala/Kanela, P.S.- Muffasil @ Mufassil, Dist.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 21-01-2026 Heard learned Advocate for the petitioners and
learned Advocate for the State.

2. The petitioners apprehend their arrest in connection with Muffasil P.S. Case No.139 of 2025 registered for the offences punishable under Sections 115(2), 126(2), 109, 351(2) and 3(5) of the BNS, 2023.

3. In the morning of the fateful day, while the informant was returning to his home after plucking some vegetables from his field, in the meanwhile, all the accused persons surrounded him and started abusing on account of prior dispute. It is further alleged that the accused persons, including



the petitioners, who were variously armed with lathi and danda brutally assaulted the informant and when his brother Md. Arif and sister-in-law Chunni Khatoon came to his rescue, they were also assaulted by them, which led to serious injuries to all of them.

4. Learned Advocate for the petitioners, referring to the FIR, contended that despite the omnibus nature of allegation against five named accused persons, the alleged occurrence took place on 08.06.2025 and the present FIR came to be instituted on 10.06.2025. Moreover, it is the prosecution parties, who were aggressor and due to the previous dispute, they brutally assaulted the petitioner no.1 and his mother, for which the wife of the petitioner no.1 has also instituted Mufassil P.S. Case No. 149 of 2025. In the said incident, though two persons have sustained injuries, out of which one injury has been found to be grievous in nature, but the same has not been specifically attributed to anyone. The genesis of the free fight is said to be a previous dispute. All the more, the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the proceedings of the Court.

5. On the other hand, learned Advocate for the State, vehemently opposed the bail application and submitted that



because of the assault being made by the petitioners, the brother of the informant has sustained grievous injury and others have sustained simple; hence the complicity of the petitioners cannot be denied, who are named accused in the FIR.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the nature of accusation, coupled with the factum of case and counter case, besides the fair antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Muffasil P.S. Case No.139 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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