

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87053 of 2025

Arising Out of PS. Case No.-103 Year-2025 Thana- BHAPTIAHI District- Supaul

1. Md. Saddam @ Md. Sdam @ Md. Sadam S/O Md. Abbas @ Md. Avas
 2. Md. Alauddin S/O Jai Mohammad @ Bantahal Miya
 3. Abdul Kalam @ Abul Kalam @ Md. Klam S/O Md. Jamir
 4. Md. Islam S/O Sakhawat Miya @ Md. Shkhavat
 5. Md. Jamir @ Md. Jamahir S/O Late Alibaks @ Alivaks
 6. Md. Majlisho @ Md. Majlish S/O Md. Isakh @ Isak
 7. Md. Sahebul @ Md. Sahabul @ Sahabul S/O Md. Usman @ Md. Uslam
 8. Md. Irfan @ Md. Irphan S/O Md. Abbas @ Md Avas
- All are R/O Village- Hanuman Nagar, P.S- Bhaptiyahi, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Kumar Mehta, Advocate
For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-01-2026 Heard Mr. Naresh Kumar Mehta, learned counsel

 appearing on behalf of the petitioners and Mr. Humayou Ahmad

 Khan, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Bhaptiyahi P.S. Case No. 103 of 2025 registered for the
offence(s) punishable under Sections 118(2), 126(2), 109, 76,
303(2), 351(2), 352 and 3(5), of the BNS.

3. As per the allegation made in the FIR, the accused
persons named therein including the petitioners with a common



intention to kill assaulted the son of the informant, causing injuries. Further allegation is that when the informant and his family members came in his rescue, the accused persons also assaulted them, causing injuries to them.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. There is case and counter case between the parties arising out of land dispute, an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioners may have caused some injury on the persons of the informant's son, informant and his family members without intention. The injury sustained by the injured persons is found to be simple in nature. Petitioners have clean antecedents.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well, having perused the allegation made in the FIR, **the learned District Court is directed to call for the final opinion of the doctor in respect of the injury sustained by the injured persons and if it is found that the same is simple in nature, then in**



that case, the petitioners, above named, are directed to be released on pre-arrest bail, in connection with Bhaptiyahi P.S. Case No. 103 of 2025 on such terms and conditions as the learned District Court deems it fit and proper.

7. In case, the injury sustained by the informant and his family members is grievous in nature, then in that case, the petitioners are directed to surrender and seek regular bail before the learned district court, which shall be preferably considered by the learned District Court on the same day.

8. The present petition stands disposed of.

(Purnendu Singh, J)

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