

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83600 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- JIYAPOKHAR District- Kishanganj

Rijwanullha Son of Kalimuddin Resident of Jiyapokhar, P.S.- Jiyapokhar,
District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad
For the Opposite Party/s : Ms.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-01-2026 Heard the parties.

2. The petitioner apprehends his arrest in connection with Jiyapokhar P.S. Case No. 26 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 118(2), 352, 303(2) of the BNS and later on Section 109(1) of the BNS was also added.

3. The allegation against the petitioner is of causing assault over the head of the informant's son by means of iron rod, while they were engaged in constructing the house over their land.

4. Learned Advocate for the petitioner referring to the FIR contended that *prima facie* land dispute is writ large for the simple reason that it is alleged that whenever the informant approached to the police station seeking permission for construction of the house over the land, she was being restrained



by the police officials. The present case is said to be nothing but a counter blast to Jiyapokhar P.S. Case No. 25 of 2025 instituted by the petitioner against the informant and others. So far the injury, which is allegedly sustained to the informant's son is concerned, the same is said to have been caused over the frontal parietal region and on thumb; however conveniently the learned court below has not disclosed the nature of injury and it is the contention of the petitioner that the same is superficial and found to be simple in nature. The petitioner though bears one criminal antecedent, however in the said case he has already been acquitted, as has been disclosed in para-3 of the application.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that since the nature of injury has not been disclosed in the impugned order and there is specific accusation against the petitioner of causing assault over the vital part, it would be proper to call for the case diary and the injury report.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the factum of case and counter case and the genesis of the land dispute, besides the nature of injury, as has been disclosed



in the impugned order, which, *prima facie*, appears to be simple in nature, let the petitioner abovenamed 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.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-1st, Kishanganj in connection with Jiyapokhar P.S. Case No. 26 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)

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