

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66927 of 2019

Arising Out of PS. Case No.-287 Year-2018 Thana- BARAULI District- Gopalganj

SHAMSAD ALI @ SHAMSHAD ALI, aged about 33 years (Male), Son of Mustakim Mian, Resident of Village -Sareya Narendra, P.S.- Barauli (Madhopur O.P.), Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohammad Sufyan, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-11-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 323, 307 and 504 of the Indian Penal Code.

The prosecution case in brief is that on the alleged date and time of occurrence, informant Ainuddin Alam was sitting at his door. In the meantime, petitioner in association with co-accused persons having armed with Lathi, Danda, Farsa and sword came there and began hurling abuses and when the informant made protest of it, all the accused persons encircled him and started assaulting him with Lathi and Danda. Thereafter, co-accused Mustakim exhorted to kill the informant



whereupon all the accused persons became furious and started assaulting him. In that course, petitioner inflicted Farsa blow on the head of informant causing bleeding cut injury to him and he fell on the ground whereupon Kaisher Ali inflicted Farsa blow causing cut injury on his left ear. When his brothers rushed to rescue him, they were also assaulted by the accused persons. The people from the vicinity came and intervened in the matter and brought the injured at P.H.C., Barauli for treatment from where the injured were referred to Sadar hospital, Gopalganj for treatment. Hence, the FIR.

Learned counsel for the petitioner submits that there is land dispute between the parties. In fact, the prosecution party brutally assaulted the petitioner and their family members for which co-accused Mustkim Mian lodged Barauli (Madhopur) P.S. Case No. 286 of 2018 against the prosecution party and it is a case of assault versus assault leading to free-fighting and so, no case U/S 307 of the I.P.C. is made out against the petitioner.

Learned counsel for the petitioner further submits that at Annexure-3 injury report is available and also para 12 of the bail petition, however, the injury with cut of ear is grievous in nature against Kausher Ali and other injury is simple in nature. The petitioner is in custody since 25.08.2019 and has got no



criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj, in connection with Barauli (Madhopur O.P.) P.S. Case No. 287 of 2018.

(Anjani Kumar Sharan, J)

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