

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.31668 of 2020

Arising Out of PS. Case No.-182 Year-2019 Thana- SINGHWARA District- Darbhanga

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1. Md. Firoz, age-50 years, male, Son of Late Ramjani
 2. Md. Neyaz, age-24 years, male, son of Md. Firoj

both Resident of Village- Bhakhara, P.S.- Singhwara, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abdul Mannan Khan, Advocate

For the State : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 12-02-2021

Heard Mr. Abdul Mannan Khan, learned counsel for the petitioners and Ms. Sucheta Yadav, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Singhwara PS Case No. 182 of 2019 dated 20.11.2019, instituted under Sections 341/323/325/307/379/34 of the Indian Penal Code.

3. The allegation against the petitioners is of inflicting



injuries on the informant. Against petitioner no. 1, it is specific of assault on the head whereas against petitioner no. 2 it is on the nephew of the informant on the hand.

4. Learned counsel for the petitioners submitted that they have no other criminal antecedent and further that the story is false and concocted as no such incident took place. Learned counsel submitted that the present is a counter blast to Singhwara PS Case No. 181 of 2019 filed by the petitioner no. 2 against the prosecution party under Sections 341/323/325/324/337/504/34 of the Indian Penal Code. Learned counsel submitted that the injury report shows that there is superficial injury on the hand of the nephew of the informant. It was further submitted that there was free fight between the parties and both sides have sustained injury.

5. Learned APP submitted that from the injury report brought on record by the petitioners himself, the assault by the petitioner no. 1 has resulted in seven stitches on the scalp of the informant which clearly indicates that the injury was serious and the intention was also to badly harm the informant by giving blow on the head.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest or surrender before the Court below within six weeks from today, the petitioner no. 2, namely Md. Neyaz be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM 5th, Darbhanga in Singhwara PS Case No. 182 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner no. 2, namely Md. Neyaz, (ii) that the petitioner no. 2, namely Md. Neyaz and the bailors shall execute bond with regard to good behaviour of the petitioner no. 2, namely Md. Neyaz, and (iii) that the petitioner no. 2, namely Md. Neyaz shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or non-cooperation would lead to cancellation of his bail bonds.

7. Prayer for pre-arrest bail of petitioner no. 1, namely Md. Firoz, is rejected.

8. The application stands disposed off in the aforementioned terms.

9. However, if the petitioner no. 1, namely Md. Firoz, surrenders before the Court below and prays for bail within four



weeks from today, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

Anjani/-

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