

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32818 of 2022

Arising Out of PS. Case No.-78 Year-2022 Thana- BAJPATTI District- Sitamarhi

Md. Alim Mansuri @ Alim Nadaf, Son of Lal Babu Mansuri @ Lal Babu Nadaf Resident Of Village- Rasalpur, Police Station- Bajpatti, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the informant : Mr. Dinesh Jha, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-09-2022 Heard Mr. Ashok Kumar Jha, learned counsel appearing on behalf of the petitioner, Mr. Dinesh Jha, learned counsel appearing on behalf of informant and Mr. Jai Narain Thakur, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with Bajpatti P.S. Case No. 78 of 2022, for the offence punishable under Sections 341, 323, 324, 307 and 504/34 of the Indian Penal Code.

The prosecution case, in brief, is that the petitioner along with other family members assaulted the informant's side in which specific allegation against the petitioner is that he assaulted the informant with sword on his head, who received cut injury.



Learned counsel appearing on behalf of the petitioner submits that the alleged incident took place for the simple reason that the goat of the informant went inside the campus of the petitioner. Thereafter, scuffle took place in the evening of 24.03.2022 and as per the allegation made in the F.I.R. petitioner along with other accused persons named in the F.I.R. with common intention to kill the informant and his family members had started assaulting them with weapon in which as per the allegation, the petitioner had assaulted the informant on his head by means of sword. He further submitted that the very genesis of the lodging of the F.I.R. shows that due to sudden provocation made from the side of the informant both the parties engaged in fight in which the informant sustained injury on his head allegedly by the assault having been committed by the present petitioner, but the same was not intentional. It is further submitted that the petitioner's thumb was chopped off by the informant by means of sword. There is case and counter case and informant has already been enlarged on bail. The petitioner has clean antecedent and he is in custody since 25.03.2022.

Mr. Dinesh Jha, learned counsel appearing on behalf of the informant submitted that the genesis of the incident took place because the goat of the petitioner entered into the house of the informant, which was objected by the informant and on the same day with an intention to kill in a planned manner to



eliminate the family members of the informant all the accused persons named in the F.I.R armed with weapons started assaulting and there is allegation against the petitioner that he has assaulted by means of sword on the head of the father of the informant. He has admitted that there is case and counter case arising out of the said incident and there is direct allegation against the petitioner that it is the petitioner, who has caused grievous injury on the head of the father of the informant and the injury report reveals that the said injury is dangerous to life of the father of the informant, who however survived after undergoing long treatment.

Considering the nature of allegation made in the F.I.R as well as the record shows that there is case and counter case for the same incidence. Both the parties started assaulting each other because the petitioner's goat had entered inside the campus of the informant in which petitioner's thumb was chopped off by the informant side and on the spur of the moment, in self defence, the petitioner assaulted the informant. The said act was committed without motive to kill. Prima Facie the petitioner has made out a case to be released on bail.

The Court below is directed to verify the records of the case as to whether the petitioner had received such injury as claimed by him and duly supported by the injury report and after verifying the said fact, the petitioner, above named, is



directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Pupari, Sitamarhi in connection with Bajpatti P.S. Case No. 78 of 2022, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

manish/-

U		T	
---	--	---	--

