

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41446 of 2022

Arising Out of PS. Case No.-248 Year-2022 Thana- CHHATAUNI District- East Champaran

Mobasir @ Mobassir @ Babu Son of Haji Modasir Resident of Mohalla -
Khoda Nagar, P.S. - Chhatauni, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baxi S.R.P. Sinha, Sr. Advocate
	:	Mr. Zainul Abedin, Advocate
For the State	:	Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-09-2022 Heard learned senior counsel appearing on behalf of
the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Chhatauni P.S. Case No. 248 of 2022 registered for the offence
under Sections 341, 323, 324, 307, 325, 504 and 34 of the
Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.06.2022.

The allegation against the petitioner is to assault the
son of the informant, causing injury in the eye, having intention
to cause death, alongwith other co-accused persons.



Learned senior counsel, Mr. Baxi S.R.P. Sinha, appearing on behalf of the petitioner submitted that the occurrence is nothing but a free fight, which was founded over parking dispute, where both the parties received injuries. It is submitted that for the same set of occurrence, a case bearing Chhatauni P.S. Case No. 249 of 2022 was lodged by petitioner's side. It is further submitted that the maximum allegation, as per F.I.R., against this petitioner is to press the neck of the son of the informant, which appears to aggravate the allegation, particularly, in want of any injury report. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that a counter case was lodged by the petitioner's side for the same set of occurrence.

In view of the facts and circumstances, as mentioned above, as occurrence appears to be a free fight denying thereof, the intention of the petitioner to cause death, on its face coupled with the fact that chargesheet has already been submitted, let the



petitioner, above named, is directed to be released on bail in connection with Chhatauni P.S. Case No. 248 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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