

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7064 of 2021**

Arising Out of PS. Case No.-148 Year-2020 Thana- PALASI District- Araria

Md Idrish @ Idrish Son Of Nizam @ Md. Nizamuddin Resident Of Village-
Farsadangi, Police Station- Palasi, District- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s	:	Mr. Bishweshwar Ram, APP
For the Informant	:	Mr. Mukesh Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 12-01-2022 Heard Mr. Y.C. Verma, learned Senior Counsel for the

petitioner, Mr. Mukesh Kumar Singh, learned counsel for the

informant and Mr. Bishweshwar Ram, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Palasi P.S. Case No. 148 of 2020
registered for the offences punishable under Sections 341, 323,
324, 379, 307, 504 of the Indian Penal Code.

As per the prosecution case, the petitioner happens to
be the son of the sister of the informant and on 05.05.2020 due
to some previous land dispute, both the sides had indulged in a
free fight. It is alleged that this petitioner had assaulted the
informant by dabiya and then assaulted the another person from
the prosecution party. There is also a counter case giving rise to



Palasi P.S. Case No. 149 of 2020 against the prosecution party in which it is alleged that the petitioner's side were assaulted and they sustained injuries.

Mr. Y.C. Verma, learned Senior Counsel for the petitioner has submitted before this Court that there is an admitted land dispute between the parties, the petitioner happens to be the son of the sister of the informant and further that the petitioner has been falsely implicated in this case even though he has otherwise no criminal antecedent. It is his further contention that in fact in the counter case of the accused persons from the prosecution side including those who had caused injuries to the petitioner's side have been granted police bail and this fact is specifically stated in paragraph '4' of the supplementary affidavit filed on behalf of the petitioner.

It is then submitted that the petitioner is always ready and willing to cooperate in course of investigation and as such in the present circumstance by putting him behind the bars the prosecution is not going to get any help in course of investigation.

Mr. Mukesh Kumar Singh, learned counsel for the informant does not dispute that there was a free fight between the parties and the prosecution parties of this case have got



police bail. It is, however, his submission that the case lodged against the prosecution party were under bailable sections.

Mr. Bishweshwar Ram, learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case and on noticing that there is an admitted land dispute between the parties and both the sides seem to have indulged in free fight and have assaulted each other, both the sides have suffered injuries, this petitioner has otherwise no criminal antecedent and is ready to cooperate in course of investigation, this Court directs that the petitioner above named in the event of his arrest or surrender within six weeks from today be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand/-) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Araria in connection with Palasi P.S. Case No. 148 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

