

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12307 of 2021

Arising Out of PS. Case No.-662 Year-2020 Thana- ARARIA District- Araria

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1. Mansoor, male, aged about 43 years, S/o Late Kafiluddin.
 2. Md. Shahid, male, aged about 30 years, S/o Akhlaque.
- Both are R/o Village- Madanpur, Tole- Chand Bhag, P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Kumar Manglam, Adv.
For the Informant	:	Mr. Nafisuzzoha, Adv.
For the State	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 08-02-2022 Heard Mr. Shashi Bhushan Kumar Manglam,

the learned Advocate for the petitioners and Mr.

Nafisuzzoha, the learned counsel for the informant.

The State is represented by the learned APP.

The petitioners seek bail in anticipation of

their arrest in connection with Araria P.S. Case No.

662 of 2020, dated 19.08.2020, instituted for the



offences under Sections 341, 323, 324, 307, 379, 504 and 34 of the Indian Penal Code.

The petitioner No. 1 is said to have assaulted one Khurshid, whereas petitioner No. 2 has assaulted one Abusama. Both of them have received injuries and further medical investigation was done for assessing the nature of such injuries.

This Court *vide* order dated 24.12.2021 had called for the case diary and had granted provisional bail to the petitioners.

The case diary has since been received.

It appears that aforesaid Khurshid ultimately was found to have received simple injury, whereas Abusama, who has been assaulted by petitioner No. 2, has received grievous injury.

Considering this and the background facts of this case, the provisional bail granted to petitioner No. 1/Mansoor is, hereby, confirmed. He shall remain on the same bail-bonds.

Since the petitioner No. 2/Md. Shahid is the



author of grievous injury on one of the victims, namely, Abusama, the interim order, dated 24.12.2021, in his favour is, hereby, recalled.

The prayer for grant of anticipatory bail to petitioner No. 2 is rejected.

However, if he surrenders before the Court below and seeks bail, the Court below, after taking into account all the grounds raised on his behalf including that the dispute was with respect to payment of dues to the shop-keeper and scuffle having taken place in a *Panchayati* where there was no pre-meditation regarding such attack, shall pass orders in accordance with law, without being prejudiced by the fact that the present anticipatory bail application on his behalf has not been entertained by this Court.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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