

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33180 of 2023**

Arising Out of PS. Case No.-222 Year-2022 Thana- KAMTAUL District- Darbhanga

MD. UJALE S/O HAIDEV ALI R/O Village- Ganj Raghauli, P.S- Kamtaul,
Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 21-07-2023 Heard Mr. Vinay Kumar Mishra, learned counsel
appearing on behalf of the petitioners and Mr. Ram Sumiran
Rai, learned A.P.P. for the State.

2. The petitioner apprehend his arrest in connection
with Kamtaul P.S. Case No. 222 of 2022, dated 16.09.2022,
registered under Sections 341, 323, 324, 307, 504, 506 of the
Indian Penal Code.

3. The allegation is that of assaulting the informant
with Axe with an intention to kill the informant. The petitioner
is one of the accused who participated in the alleged offence.

4. Learned counsel appearing on behalf of the
petitioner submits that informant and petitioner belongs to the
same family. Admitted land dispute is going on between the
parties and out of the same incident, case and counter case has



been lodged by both the parties. It is submitted that petitioner without any intention may have caused some injury in his self defence, which caused on the left pinna and the nature of injury is grievous in nature and not found on the vital part of the body of the informant. The petitioner has clean antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the nature of allegation made in the F.I.R. as well as the fact that there is case and counter case between the parties with respect to certain land dispute and petitioner and informant are family members. It appears that petitioner may have caused some injury on the body of the informant in his self defence, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist, Darbhanga in connection with Kamtaul P.S. Case No. 222 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner



is involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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