

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45587 of 2023

Arising Out of PS. Case No.-270 Year-2022 Thana- CHANPATIA District- West Champaran

1. Shahid Kalim Son of Mauladdin Miyan Resident of village - East Turhapatti, P.S. - Sirisiya O.P., Dist. - West Champaran
2. Shahabuddin Ansari @ Shahabuddin Miyan Son of Mauladdin Miyan Resident of village - East Turhapatti, P.S. - Sirisiya O.P., Dist. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 04-08-2023 1. At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no.1, with liberty to him to surrender before the learned Court below, within a period of four weeks from today and avail the privilege of regular bail. Liberty so sought is granted.
2. Accordingly, the present petition qua the petitioner no.1 stands disposed off as not pressed.
3. Heard the learned counsel for the petitioner no. 2 and learned APP for the State.
4. This is an application for grant of



anticipatory bail in connection with Chanpatiya (Sirisiya) P.S. Case No.270 of 2022, registered for offences under Sections 323, 341, 324, 447, 307, 379/34 of the IPC.

5. The case of the prosecution, in brief, is that the petitioner no.1 is stated to be constructing a house on the land of the informant and when the informant had objected to the same, the accused persons, including the petitioners herein, had assaulted the informant and others. As far as the petitioners are concerned, they are stated to have assaulted the informant on his head, however, the petitioner no.1 had first given a *farsa* blow on the head of the informant, and then the petitioner no.2 is also alleged to have given a *farsa* blow on the head of the informant.

6. The learned counsel for the petitioner no.2 has submitted that the petitioner no.2 is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner no.2 has further submitted that the present case arises out



of case and counter case and as far as the petitioner no.2 is concerned, though he is also alleged to have assaulted the informant, however, prior to him, the petitioner no.1 had assaulted the informant by *farsa*, resulting in injury being inflicted on the scalp, which is apparent from the injury report annexed as Annexure-2 to the present petition, hence benefit of doubt can be granted to the petitioner no.2 as far as grant of bail is concerned.

7. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

8. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the main aggressor is the petitioner no.1 and only thereafter, the petitioner no.2 has been alleged to have assaulted the informant, however, the injury report shows only one injury over the scalp, I deem it fit and proper to admit the petitioner no.2 to the



privilege of anticipatory bail.

9. Accordingly, the above named petitioner no.2 is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, 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, Bettiah, West Champaran in connection with Chanpatiya (Sirisiya O.P.) P.S. Case No.270 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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