

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66408 of 2023**

Arising Out of PS. Case No.-84 Year-2022 Thana- ALINAGAR District- Darbhanga

1. MD. KALAM SON OF MD. ATABUL RAHMAN @ ATUL RAHMAN  
RESIDENT OF VILLAGE - AKSOUL, PS- ALINAGAR, DISTT-  
DARBHANGA
2. MD. SADRE ALAM @ MD. SADRUL SON OF MD. MASIRUDDIN @  
MD. MASIR RESIDENT OF VILLAGE - AKSOUL, PS- ALINAGAR,  
DISTT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajesh Kumar Jha, Advocate.

For the Opposite Party/s : Mr.Binod Kumar, APP.

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

ORAL ORDER

2      19-10-2023                      Heard Mr. Rajesh Kumar Jha, learned counsel  
appearing on behalf of the petitioner and Mr. Binod Kumar,  
learned APP for the State.

2. The petitioners seek pre-arrest bail in connection  
with Alinagar P.S. Case No. 84 of 2022 registered for the  
offence punishable under Sections 147, 148, 149, 323, 325, 504  
and 506 of the Indian Penal Code.

3. Prosecution story, in brief, is that with a common  
intention the accused persons named in the F.I.R. including the  
petitioners started threatening the informant and his family



members and in course of the same, both the parties indulged into fierce fight and both the sides sustained injury. Specific allegation against petitioner no.1 is that he had assaulted on the parietal region of Md. Akbar by means of iron rod causing head injury and petitioner no.2 assaulted on the head of Md. Zahir causing head injury.

4. Learned counsel appearing on behalf of the petitioners submits that there is case and counter case between the parties. Both the parties indulged into fierce fight and both sides sustained injury. Petitioners might have caused injury to the informant's side, but the same was in their self defense which was not intentional.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the fact that both the parties indulged into fierce fight in which both sides sustained injury and the petitioners in their self defence might have caused injury which was not intentional, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of his arrest or surrender before the 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 S.D.J.M, Benipur, Darbhanga in connection with Alinagar P.S. Case No. 84 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

**(Purnendu Singh, J)**

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