

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66453 of 2022**

Arising Out of PS. Case No.-86 Year-2020 Thana- BENIPATTI District- Madhubani

1. Hussain Asgar @ Chhotu, S/o Md. Asgar,
2. Md. Arman @ Arman Ahmad S/o Munfasir Alam
3. Abdul Kareem @ Chunnu @ Abdul Karim S/o Ebader Rahman,  
All are Resident of village- Najra P.S.- Benipatti, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                           |   |                            |
|---------------------------|---|----------------------------|
| For the Petitioner/s      | : | Mr. Ravi Prakash, Advocate |
|                           |   | Mr. Rajesh Kumar, Advocate |
| For the Opposite Party/s: |   | Mr. Umesh Lal Verma, APP   |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      25-04-2023                      Heard learned counsel for the petitioners and learned  
counsel for the State.

The accused/petitioners named in the FIR and apprehending their arrest in connection with Benipatti P.S. Case No.86 of 2020 registered for the offences punishable under Sections 341, 323, 324, 504 and 379 read with 34 of the Indian Penal Code.

The allegations against the petitioners are to assault the informant and others by means of sword, *lathi*, rod etc. along with other co-accused/family members for local dispute and differences arises during covid-19.

It is submitted by learned counsel that the occurrence



is free fight in nature where both the parties sustained injuries and for the same set of occurrence, the brother of petitioner no.1 has also filed a case against the informant and others which was registered as Benipatti P.S. Case No.88 of 2020. It is also submitted that as the occurrence is free fight in nature, it cannot be said that the petitioners were under intention to cause death and this is not the case of the prosecution also. It is pointed out that all offences levelled in the FIR appearing bailable, except Section 379 of the Indian Penal Code. It is also submitted that allegation of taking away i-phone is only to make the allegation graver against the petitioners. It is also submitted that in fact petitioners were taken away wrist watch and chain made up of gold of brother of petitioners.

Learned Additional Public Prosecutor opposes the prayer for grant of anticipatory bail to the petitioners.

In view of the above-mentioned facts and circumstances, as occurrence is free fight in nature where counter case is also available with counter allegation of theft, let above-named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks from today, directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of



the like amount each to the satisfaction of the learned A.C.J.M.-  
I, Benipatti, Madhubani/concerned court in connection with  
Benipatti P.S. Case No.86 of 2020 subject to the conditions as  
laid down under Section 438(2) of the CrPC.

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

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