

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70057 of 2022

Arising Out of PS. Case No.-181 Year-2021 Thana- BITHAN BAZAR District- Samastipur

MD. NAYEEM S/o Late Haji Shekhawat R/o Village- Bardauni, P.S.- Bithan,
Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-05-2023 Heard learned counsel appearing on behalf of the parties.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioner is named in the F.I.R. and apprehend his arrest in connection with Bithan P.S. Case No. 181 of 2021 registered for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 325, 307, 504, 506 and 379 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner is to assault informant and others, along with 20 named and 100 unnamed co-accused persons, causing bodily injuries, having intention to cause their death, where, occurrence is alleged to be founded over local *Panchayat* election.



Learned counsel appearing on behalf of the petitioner submitted that allegation available as per narration of FIR against this petitioner, is to assault one, Ram Bahadur Yadav, causing head injury, which reported after medical examination as simple. It is submitted that allegation is of single assault without having any intervening circumstances, which is sufficient to gather that the petitioner was not under intention to cause his death. It is submitted that the occurrence is free fight in nature, where, for the same set of occurrence, petitioner also lodged a case against informant, which has been registered as Bithan P.S. Case no. 182 of 2021. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

Learned APP for the State, opposes the prayer of bail.

Considering the aforesaid facts and circumstances of the case and by taking note of nature of injury, as alleged to be caused by this petitioner, accordingly above named petitioner, in the event of his arrest or surrender before learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Rosera, Samastipur /concerned Court,



where the case is pending in connection with Bithan P.S. Case
No. 181 of 2021, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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