

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75081 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- BARURAJ District- Muzaffarpur

1. MD. RUSTAM @ MD. RUSTAM MANSOORI S/o Najir Hussain R/o Village- Pakri Parsauniya, P.S- Baruraj, Distt- Muzaffarpur.
2. Md. Nabi Hussain @ Md. Nabil S/o Najir Hussain R/o Village- Pakri Parsauniya, P.S- Baruraj, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Alok, Advocate
For the Opposite Party/s	:	Mr.Surendra Kumar, APP
For the Informant	:	Mr. Mazharul Hassan, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-05-2023 Heard learned counsel appearing on behalf of the petitioners, learned Additional Public Prosecutor appearing on behalf of the State and learned counsel for the Informant.

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

The accused petitioners are named in F.I.R. and apprehending their arrest in connection with Baruraj P. S. Case No. 146 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 325, 379, 504/34 of the Indian Penal Code.

The allegation against both above named petitioners is to assault informant and others, along with other co-accused



persons, by means of sword, lathi, rod etc. causing head and bodily injuries, having intention to cause their death, where occurrence is alleged to be founded over land dispute.

Learned counsel appearing on behalf of the petitioners submitted that occurrence is free fight in nature for which petitioner's side also registered a case as Baruraj P. S. Case No. 224 of 2022. It is submitted that nature of injury which also appears grievous in nature but is on the non-vital parts of the body, which is not sufficient to cause their death in ordinary course of nature. It is further submitted that as occurrence is free fight in nature, therefore, it can be said safely that both petitioners are not under intention to cause death of informant and injured persons. While concluding the argument, it is submitted that both petitioners are men of clean antecedent.

Learned APP duly assisted by learned counsel, Mr. Mazharul Hassan, for the informant opposes the prayer of anticipatory bail.

Considering the aforesaid facts and circumstances and by taking note of nature of occurrence is free fight in nature and also by taking note of injuries on non-vital parts of the body, accordingly, both above named petitioners, in the event of their arrest or surrender before learned Court below within a period



of four weeks, are 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 Judicial Magistrate-1st Class (West), Muzaffarpur/concerned Court, in connection with Baruraj P. S. Case No. 146 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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