

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72123 of 2022

Arising Out of PS. Case No.-690 Year-2021 Thana- KATIHAR NAGAR District- Katihar

1. Md. Sonu Sah @ Md. Sonu
 2. Futto @ Md. Futto
- Both are Sons of Mehendi Sah R/o Mohalla- Sah Tola Rampara, Ward No.25, P.S.- Katihar, District- Katihar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Bimal Kumar, Advocate
For the State	:	Mr. Rajiv Nayan, APP
for the Informant	:	Mr. Sanjeev Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-04-2023 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the informant.

The accused/petitioners named in the FIR apprehend their arrest in connection with Katihar Town P.S. Case No.690 of 2021 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 325, 307 and 504 of the Indian Penal Code.

The allegation against the petitioners is to assault the informant and others along with co-accused persons/family members by means of *khanti* and sword, causing bodily injuries having intention to cause their death, where occurrence is



alleged to be founded over the land dispute.

It is submitted by learned counsel for the petitioners that the occurrence is free fight in nature where both the parties received injuries and, as such, it cannot be said that the petitioners were under intention to cause death of informant and others. It is pointed out by learned counsel that for the same set of occurrence, Katihar Town P.S. Case No.689 of 2021 was registered by petitioners' side against the informant and others. It is also submitted that injury report is not appears to be in full corroboration of assault and moreover, the injuries are appearing lacerated, which after examination, reported as simple, not suggesting that these injuries may cause death of the informant in ordinary course of nature. While concluding his argument, it is submitted that both the petitioners are men of clean antecedent and occurrence is founded over land dispute.

Learned Additional Public Prosecutor for the State being duly assisted by Mr. Sanjeev Kumar Singh, learned counsel for the informant opposed the prayer for bail.

In view of the above-mentioned facts and circumstances, as occurrence is appearing free fight where injuries alleged to be received by the informant is appearing simple in nature, let above-named petitioners, in the event of



their arrest or surrender in the court below within a period of four weeks from today, be released on bail on 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 Chief Judicial Magistrate, Katihar/concerned court in connection with Katihar Town P.S. Case No.690 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Chandra Shekhar Jha, J.)

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