

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73415 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- LAKHNAUR District- Madhubani

1. Toofan Pamariya @ Md. Ekaramul, Son of Samil Parmariya
 2. Chand Pamariya, Son of Samil Parmariya
- All are resident of village-Deep (Balha). P.S.- Lokhnour (R.S.O.P) Dist - Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Hriday Narayan Harshit, Advocate
For the State	:	Mr. Ram Anurag Singh, APP
for the Informant	:	Md. Nazir Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The accused/petitioners are named in the FIR and apprehending their arrest in connection with Lakhnour P.S. Case No.84 of 2022 registered for the offences punishable under Sections 341, 323, 308, 354, 379, 504 and 506 read with 34 of the Indian Penal Code.

The allegation against the petitioners is to assault the informant and others along with co-accused persons by means of *farsa*, rod etc causing such bodily injuries which may likely to cause death, where occurrence is founded over enmities arises out of motorcycle accident.

It is submitted by learned counsel that occurrence



is appearing free fight in nature where counter case was also registered by petitioners' side which was registered as Lakhnour P.S. Case No.85 of 2022. It is submitted that both parties received injuries during the course of occurrence where the injury of informant and others appearing simple whereas injury of petitioner no.2 is appearing grievous in nature. It is pointed out that the injury as found upon the informant and injured Jarina Khatoon appears simple and is not sufficient to suggest that death may be caused in ordinary course of nature. While concluding argument, it is submitted that petitioner no.1 is a man of clean antecedent whereas petitioner no.2 found involved in one more criminal case, where he is on bail.

Learned APP for the State duly assisted by Md. Nazir Ansari, learned counsel for the informant submitted that informant's side received grievous injuries during the course of occurrence but, fairly conceded that injury as alleged to be caused by these two petitioners is simple in nature

In view of the above-mentioned facts and circumstances and by taking note of the fact that occurrence is free fight in nature, where injuries appears simple, let above-named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks of this order, are



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 A.C.J.M.-1st, Jhanjharpur, Madhubani in connection with Lakhnour P.S. Case No.84 of 2022, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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