

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74573 of 2022

Arising Out of PS. Case No.-218 Year-2022 Thana- SUGAULI District- East Champaran

1. NEYAJ KHAN @ NEYAJ KHA, Son of Nazir Khan R/V- Nakardei, P.S- Sugauli, Dist- East Champaran
2. Arbaz Khan @ Aarbaz Kha Son of Nazir Khan R/V- Nakardei, P.S- Sugauli, Dist- East champaran
3. Tuffail Khan @ Tuffail Kha Son of Late Nasrullah Khan R/V- Nakardei, P.S- Sugauli, Dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Advocate.
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-05-2023 Heard Mr. Sunil Kumar No.III, learned counsel
appearing on behalf of the petitioners and Mr. Rajendra Prasad
Nat, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Sugauli P.S. Case No. 218 of 2022 registered for the
offence punishable under Sections 341, 323, 324, 307, 379 and
504/34 of the Indian Penal Code.

3. Prosecution story, in brief, is that in course of
construction of dwelling house of the informant, the petitioners
objected the informant, due to which the parties indulged in
fierce fight in which both the sides sustained injury.



4. Learned counsel appearing on behalf of the petitioners submitted that the land on which the dwelling house was being constructed by the informant's side, certain portion belongs to the petitioners who are agnate of the informant and that led to fierce fight in which both sides have sustained injury. If any injury has been caused by the petitioners, the same is without intention which has been caused in course of self defence.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the fact that the petitioner no.1 has assaulted on the head of the informant that might cause death, this Court is not inclined to enlarge the petitioner no.1 on anticipatory bail. Hence, his prayer for bail is rejected. However, petitioner no.1 may surrender before the court below and seek regular bail and in that event the regular bail of the petitioner is directed to be heard and disposed of by the court below on the same day by passing a reasoned order without being prejudiced by its earlier order.

7. So far as petitioner nos. 2 and 3 are concerned, the allegation levelled against them is general and omnibus and the injuries caused by them are simple in nature, the petitioner nos.



2 and 3 are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Motihari, East Champaran in connection with Sugauli P.S. Case No. 218 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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