

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8743 of 2024

Arising Out of PS. Case No.-406 Year-2023 Thana- JOGAPATTI District- West Champaran

1. Bikau Ansari @ Asgar Ansari @ Asgar Mian Son Of Late Md. Jan Ansari @ Mahamjan Ansari R/O Village-Semari Bhawanipur, P.S-Yogapatti (Nawalpur O.P), Distt.- West Champaran
2. Zahid Aftab Son Of Mobarak Hussain @ Mobarak Ansari R/O Village-Semari Bhawanipur, P.S-Yogapatti (Nawalpur O.P), Distt.- West Champaran
3. Mustafa Ansari Son Of Late Kundan Ansari R/O Village-Semari Bhawanipur, P.S-Yogapatti (Nawalpur O.P), Distt.- West Champaran
4. Yusuf Ansari Son Of Seraj Ansari R/O Village-Semari Bhawanipur, P.S-Yogapatti (Nawalpur O.P), Distt.- West Champaran
5. Nehal Ansari @ Nehal Ahmad @ Nehal Ahamad Son Of Bikau Ansari R/O Village-Semari Bhawanipur, P.S-Yogapatti (Nawalpur O.P), Distt.- West Champaran
6. Saheb Ansari @ Saheb Alam @ Shaheb Alam Son Of Yunus Ansari @ Yunus Mian R/O Village-Semari Bhawanipur, P.S-Yogapatti (Nawalpur O.P), Distt.- West Champaran
7. Yunus Ansari @ Yunus Mian Son Of Md. Hussain Miyan R/O Village-Semari Bhawanipur, P.S-Yogapatti (Nawalpur O.P), Distt.- West Champaran
8. Ruh Afja Khatoon @ Ruafza Khatoon @ Noor Afzan Wife Of Ijhar Ansari R/O Village-Semari Bhawanipur, P.S-Yogapatti (Nawalpur O.P), Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-02-2024

1. Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners are named in the F.I.R. and apprehending their arrest in connection with Jogapatti



(Navalpur, O.P.) P.S. Case No. 406 of 2023 registered for the offences punishable under Section 147, 148, 149, 323, 324, 325, 307, 354(b) and 504/506 of the Indian Penal Code.

3. The allegation against the petitioners is to assault injured and others by using *bhala* and *farsa* etc., causing head and bodily injuries having intention to cause their death, where alleged occurrence arises out of land dispute.

4. Learned counsel appearing on behalf of the petitioners submitted that occurrence is free fight in nature, where for the said occurrence counter case was also lodged by petitioner's side registered as Jogapatti (Navalpur, O.P.) P.S. Case No. 400 of 2023 against informant and others. It is pointed out that petitioner's side also received grievous injuries, whereas four persons from informant's side during the course of occurrence received simple injuries, which is sufficient to suggest that the petitioners were not under intention to cause death of the injured. While concluding the argument it is submitted that petitioners are non-assailants and their implication appears in the present case only being part of the mob as family members. It is also submitted that only single criminal case is pending against petitioner no. 1, where he is on bail, whereas petitioner nos. 2 to 8 are person of clean



antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of the facts and circumstances as mentioned above as petitioners appears non-assailants, where occurrence, *prima facie*, appears free fight negating intention to cause death on its face, accordingly, the petitioners above named, in the event of their arrest or surrender before the 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 Chief Judicial Magistrate, Bettiah, West Champaran/concerned Court below where the case is pending in connection with Jogapatti (Navalpur, O.P.) P.S. Case No. 406 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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