

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7105 of 2024

Arising Out of PS. Case No.-171 Year-2023 Thana- THAWE District- Gopalganj

1. Saif Siddique @ Prince @ Price S/O- Maksud Alam R/O- Village- Mir Alipur, P.S.- Thawe, Dist.- Gopalganj.
2. Kaif Ali @ Vicky @ Vikki S/O- Maksud Alam R/O- Village- Mir Alipur, P.S.- Thawe, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar Advocate general

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Lokesh Singh, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP
For the Informant	:	Md. Javed Aslam, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Thawe P.S. Case No. 171 of 2023, registered for the alleged offence under Sections 341, 323, 324, 325, 307, 504/34 of the Indian Penal Code.

03. As per prosecution case, the informant entered into an altercation with co-accused Lucky and thereafter the co-accused father of Lucky brought the informant in front of his house where he was assaulted by the co-accused, Safi Alam, with sword and co-accused, Lucky, with iron rod, causing



dislocation of four teeth and fracture of jaw. The petitioners and other co-accused also assaulted the informant by *danda* and rod.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. There is case and counter case between the parties and both sides sustained injuries. It is case of free fight between the parties. The injuries on the petitioners' side has not been explained by the prosecution. A free fighting took place between the two groups over a petty dispute and both sides sustained injuries. The injury report shows grievous injuries but the petitioners are not at all responsible for causing such injuries on the informant. Moreover, the grievous injury is not on any of the vital parts. There is no specific allegation against the petitioners and all the allegations are general and omnibus against them. The occurrence took place on 15.06.2023 and the present case has been lodged on 18.06.2023 and the delay of three days have not been explained. Learned counsel further submits that in the facts and circumstances and in view of the medical report, it cannot be said the petitioners had any intention to commit murder of the informant. The petitioners have got no criminal history.

05. Learned A.P.P. for the State as well as learned



counsel for the informant vehemently oppose the prayer for anticipatory bail. Learned counsel for the informant submits that *fardbeyan* was recorded on 15.06.2023 itself and thereafter it was sent for registration of the FIR. Learned counsel further submits that serious injuries have been caused to the informant who is a boy aged about 16 years. The petitioners and other co-accused persons assaulted the informant in a planned manner, causing injuries to him. Even the injuries report shows to injuries which are lacerated wound of size 2 cm x 0.5 cm x skin deep over upper lip and lacerated wound of size 4 cm. X 0.5 cm. x skin deep over occipital region.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact about there being no allegation of assault supported with injury report against the petitioners, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Thawe P.S. Case No. 171 of 2023, subject to the condition laid down under Section



438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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