

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9189 of 2024

Arising Out of PS. Case No.-47 Year-2023 Thana- KANGLI District- West Champaran

FIROJ KHAN S/o Late Tabrak Khan R/o Village-Sabaithwa, Bahuarwa, P.S.-
Kangali, District-West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned APP for
the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Kangli P.S. Case No. 47 of 2023 registered for the offences punishable under Sections 147, 148, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code. He has three criminal antecedent, in which he is on bail as stated in paragraph '3' of the application.

3. Allegation against the petitioner is to assault the informant by means of Farsa causing head injury having intention to cause death where occurrence is arises out of land dispute.

4. It is submitted by learned counsel appearing on behalf of the petitioner that there is free fight between the parties where in the alleged occurrence both parties received injuries and for the same set of occurrence, a case was also lodged by the petitioner' side, which has been registered Kangli P.S. Case No. 46/2023. It is further



submitted that informant received single injury on his head which appears lacerated and simple in nature contradicting on face *qua* the nature of weapon as alleged to cause said injury. It is also submitted that alleged assault is single, not repeated.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of aforesaid factual submissions as occurrence appears free-fight where assault alleged is not repeated causing injury of simple in nature, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Bettiah, West Champaran, in connection with Kangli P.S. Case No. 47 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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