

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32224 of 2024

Arising Out of PS. Case No.-229 Year-2023 Thana- PALASI District- Araria

Galib @ Md. Galib Alam @ Md. Galib @ Galib Alam @ Md. Ghalib Alam
Son of Md. Owais Alam @ Awesh Alam @ Awesh Resident of Village-
Kakorwa Ward No. 05, P.S.- Palasi, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Ziaul Quamar, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 22-11-2024 Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with
Palasi P.S.Case No.229 of 2023 registered for the offences
punishable under Sections 147, 148, 427, 149, 341, 323, 324,
307 and 354(B), 435, 504 and 506 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner
has allegedly assaulted the cousin of the informant, who
sustained head injury.

4. Learned counsel appearing on behalf of the
petitioner submitted that arising out of the same incident, there
are case and counter case between the parties, in which the
petitioner side had also sustained grievous injury and the



petitioner has brought the same on record by way of **Annexure 4** (series). Learned counsel further submitted that both the parties have indulged into fierce fight for a piece of land and in connection with the said piece of land, earlier also there had been pending criminal cases between the petitioner and the informant side. Learned counsel also submitted that the petitioner can not be made responsible for any injury, which has been caused to the cousin of the informant, as the petitioner without intention may have caused injury to the cousin of the informant in his self-defence and the injury sustained by the cousin of the informant, namely, Md. Rafat is simple in nature. Learned counsel further referring to paragraph no.27 of the case diary submitted that the same also confirms that the injury is simple in nature. On these grounds, the petitioner seeks to be released on pre-arrest bail.

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

6. Having considered the rival submissions made on behalf of the parties, as well as, considering the fact that for a piece of land, both the parties indulged into fierce fight, which led to assault on each side, in which the petitioner also sustained grievous injury and the injury sustained by the cousin of the



informant is simple in nature, the petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned district court within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Araria/concerned court in connection with Palasi P.S.Case No.229 of 2023 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. The learned district court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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