

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42309 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- PALANWA District- East Champaran

- 1. Firoz Alam @Afrij Alam S/O Umar Dewan R/O Village Basti Semra, P.S. Palanwa, Distt-East Champaran
- 2. Tabrej Alam S/O Umar Dewan R/O Village Basti Semra, P.S. Palanwa, Distt-East Champaran
- 3. Anisha Khatoon D/O Ali Hussain Dewan R/O Village Basti Semra, P.S. Palanwa, Distt-East Champaran
- 4. Munni Khatoon @Muni D/O Sarfuddin Dewan R/O Village Basti Semra, P.S. Palanwa, Distt-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-07-2024 Heard Mr. Nafisu Zzoha, learned counsel appearing on behalf of the petitioners and Mr. Sanjay Kumar Tiwary, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Palanwa P.S. Case No. 56 of 2024 registered under Sections 341, 323, 307, 379, 504 and 506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, altogether 6 accused persons named in the FIR, alongwith the petitioners, assaulted the informant and his family members.

4. Learned counsel appearing on behalf of the petitioners submits that due to enmity between the parties, they indulged into fierce fight and in course of the same, in self-defence, the petitioners may have caused some injuries on the informant side. There is case and counter case between the parties for the same incident.

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

6. Considering the rival submission made on behalf of the parties, as well as, the fact that there is case and counter case between the parties and due to enmity they indulged into fierce fight, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The District Court is directed to release the petitioners on anticipatory bail, in the event of their arrest or surrender before the learned 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Palanwa P.S. Case No. 56 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The District Court is directed to verify the criminal antecedent of the petitioners, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners, as what has been stated in paragraph no. 3, this order will lose its force automatically.

Ashishsingh/-

(Purnendu Singh, J.)

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