

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43710 of 2024

Arising Out of PS. Case No.-146 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

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Afroj @ Afroj Alam, aged about 20 years, Male, S/O Abdul Rauf, R/O
Village- Husaini, P.S.- Dumariyaghat, District- east champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Sunil Kumar No.III, Advocate
For the Opposite Party/s :	Mr.Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-07-2024 Heard Mr. Sunil Kumar No.III, learned counsel

appearing on behalf of the petitioner and Mr. Shailendra Kumar

Singh learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Dumariyaghat P.S. Case No. 146 of 2022 registered for the
offence(s) punishable under Sections 143, 341, 323, 324, 325,
307, 354, 447, 379 and 504 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused
persons named therein including the petitioner assaulted the
informant. Specific allegation against the petitioner is to have
inflicted *farsa* blow on the head of the informant with an
intention to kill him.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner and informant are agnates and due to land dispute, an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioner may have caused some injury on the person of the informant. Learned counsel further submitted that there is case and counter case between the parties. The Medical Board was constituted and as per the opinion of the Medical Board, the injury sustained by the informant is simple in nature. Petitioner has clean antecedent.

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

6. Considering the nature of allegation made in the FIR, and also the fact that there is case and counter case between the parties and due to land dispute, an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioner may have caused some injury on the person of the informant without intention and moreover the Medical Board has found the injury sustained by the informant is simple in nature, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender



before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Dumariyaghat P.S. Case No. 146 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The court below 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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