

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47483 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- JHANJHARPUR District- Madhubani

1. Mohammad Alauddin Mansuri @ Alauddin Nadaf @ Alauddin son of Late Mohammad Nadaf, Village- Kanhauli, PS- Jhanjharpur, Dist- Madhubani
2. Hasmati Khatoon @ Hassmsoti Khatoon wife of Md. Ali Hasan Mansuri, Village- Kanhauli, PS- Jhanjharpur, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Soban Asghar, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-08-2024 Heard Mr. Md Soban Asghar, learned counsel
appearing on behalf of the petitioners and Mr. Dilip Kumar No.
1, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection
with Jhanjharpur P.S. Case No. 28 of 2024 arising out of G.R.
No.217 of 2024 registered under Sections 341, 323, 324, 307,
325, 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the son of
petitioner no.2 and nephew of the informant were playing and
they indulged into fight, which led to the fight among the
guardians of the children, in which both the parties sustained
injuries.



4. Learned counsel appearing on behalf of the petitioners submits that the son of the petitioner no.2 was assaulted by the nephew of the informant and the said incidence, after hot exchange of talk, led to fierce fight, in which, the petitioners no.1 and 2 and their other family members also sustained injuries. There is case and counter case lodged by both the parties for the same incidence. The petitioners have clean antecedents. The petitioners may have caused some injuries on the informant and informant's side, without any intention, due to the fact that the son of the petitioner no.2 was brutally assaulted by the nephew of the informant. On these grounds, petitioners seek to be released on bail.

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, as well as, case and counter cases are arising for the same incidence, in which both sides indulged into fierce fight. It may be a case, where the petitioners in their self-defence, may have caused some injuries on the informant and informant's side, I am of the opinion that petitioners have, prima facie, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the



petitioners on anticipatory bail, in the event of their 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) each with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate – Ist, Jhanjharpur, Madhubani in connection with Jhanjharpur P.S. Case No. 28 of 2024 arising out of G.R. No.217 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned 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.

(Purnendu Singh, J.)

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