

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60410 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- PIPRAKOTHI District- East Champaran

1. Md. Junaid, son of Jamaludin @ Seikh Guddu, Resident of village -Chand Saraiya, P.S. -Pipra Kothi District -East Champaran
2. Tanvir alam, son of Alamgir Khan @ Alamgir Kha, Resident of village -Chand Saraiya, P.S. -Pipra Kothi District -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 Heard Mr. Shanti Bhushan Singh, learned Advocate
for the petitioners and learned APP for the State.

2. The petitioners seek regular bail, who are in custody in connection with Pipra Kothi P.S. Case No.130 of 2024, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 325, 354/504 of the Indian Penal Code.

3. Allegedly while the informant was sitting at the door, in the meantime, all the F.I.R. named accused persons, including the petitioners, came there and started abusing. On protest being made, petitioner no.1 assaulted the informant by means of iron rod, due to which she sustained severe injuries in her hand. It is further alleged that when the informant's husband



came to her rescue, he was also assaulted by co-accused Md. Imran and Kalamuddin, due to which her husband sustained fracture in his hand. The informant's brother-in-law was assaulted by co-accused Md. Imran and Md. Guddu by means of Dabia. The petitioner no.1 and Md. Ablaish also assaulted the sister-in-law of the informant, due to which she sustained fracture injury in her hand.

4. Learned Advocate for the petitioners contended that with regard to an occurrence, which took place on 17.06.2024, the present F.I.R. has been instituted on 20.06.2024 and later on the case was sent to the jurisdictional court on 24.06.2024. There is a case and counter case, bearing Pipra Kothi P.S. Case No.127 of 2024, registered from the person of the petitioners' side. It is next contended that in fact on account of a family feud both the parties have entered into a free fight, resulting into injuries to the persons of both sides, however, the prosecution has failed to prove the injuries sustained to the person of the petitioners' side. Drawing the attention of this Court to the injuries sustained to the informant, the copies of which is marked as Annexure-2 series, it is contended that the same is found to be simple in nature. So far the injury sustained to the sister-in-law of the informant, namely, Afsana, is concerned



that has been attributed to petitioner no.1 and Md. Ablash. So far petitioner no.2 is concerned, there is no specific allegation of causing any overt act. It is further contended that the petitioners bear fair antecedent and now they have been incarcerated since 09.07.2024 and they undertake that they will not indulge in such type of activities in future.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that so far the injuries sustained to the informant is concerned, the same has been found to be simple in nature; whereas the injury sustained to Afsana is concerned, apart from it inflicted on non-vital part that has been attributed against petitioner no.1 and co-accused person, couple with the case and counter case and delay in lodging of the F.I.R; as also the fair antecedent of the petitioners, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, East Champaran, Motihari in connection with Pipra Kothi P.S. Case No.130 of 2024, subject to the condition that one of the bailors



will be the close relatives of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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