

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71508 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- BARHARIA District- Siwan

MD. IRFAN USMANI @ IRFAN USMANI @ SALLU S/O JAWED ALAM
VILLAGE- PADRAUNA (PARASWA TOLA), PS. BARHARIA, DIST.
SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arbind Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP
For the Informant	:	Md. Sufiyan, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-02-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Barharia P.S. Case No. 68 of 2023 registered for the offences punishable under Sections 323, 341, 324, 326, 307, 504, 506 and 34 of the Indian Penal Code.

3. The allegation against the petitioner is to assault informant and others during the occurrence by means of *lathi*, irod rod, sword, knife etc., causing head and other bodily injuries, having intention to cause their death, where occurrence arises out of differences during management committee election



of a local mosque.

4. Learned counsel appearing on behalf of the petitioner submitted that occurrence is free fight in nature, where both parties received injuries and for the same set of occurrence a counter case was also lodged from the petitioner's side registered as Barharia P.S. Case No. 81 of 2023. It is also submitted that similarly situated co-accused namely Md. Kaif, has been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 35960 of 2023 vide order dated 27.07.2023 (annexure no. 2) and case of this petitioner stands on similar footing. While concluding the argument its is submitted that petitioner is a man of clean antecedent.

5. Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer for bail submitted that under wrong submission bail of Md. Kaif was obtained for which cancellation petition was preferred by informant, where notice was issued by learned Co-ordinate Bench through Cr. Misc. No. 85503 of 2023 vide order dated 12.01.2024. It is also submitted that this is a case of collective assault, where injured was brutally assaulted by sword and knife, where upon his medical examination injury was found repeated and grievous in nature, suggesting, *prima facie*,



intention to cause death.

6. In view of the facts and circumstances as mentioned above as petitioner alleged to assault specifically, causing grievous injuries to the injured/informant during the course of occurrence, the prayer of anticipatory bail of the petitioner is rejected herewith.

(Chandra Shekhar Jha, J.)

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