

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.76730 of 2024**

Arising Out of PS. Case No.-245 Year-2020 Thana- CHHATAPUR District- Supaul

1. Md. Faijullah @ Faijullah S/O Md. Haris Resident of Village - Madhopur, Police Station - Chhatapur, Distt- Supaul.
2. Latif S/O Md. Akhtar Resident of Village - Madhopur, Police Station - Chhatapur, Distt- Supaul.
3. Md. Jafar @ Jafar @ Md. Jafar Alam S/O Md. Fahim Resident of Village - Madhopur, Police Station - Chhatapur, Distt- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      25-10-2024                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Chhatapur P.S. Case No. 245 of 2020, registered on 27.09.2020 for the offences under Sections 147, 148, 323, 324, 325, 504, 506 and 307 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons assaulted the informant and her family members causing a number of injuries to them.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The present case is counter blast of Chhatapur P.S. Case No.



244 of 2020 from which it is apparent that the informant side is aggressor. The petitioners and the informant are co-villager and the informant has not assigned any reason for the alleged occurrence and just stated that the petitioners and other co-accused persons assaulted them which is not believable. Injury of Abdul Mannan is found simple in nature and Md. Rashid received one simple and one grievous injury which is stated to be caused by petitioner no.1. Learned counsel further submits that moreover the allegation against the petitioners is that of giving *lathi* blow on the hand of one Abdul Rashid and for this reason, no offence under Section 307 IPC will be made out against the petitioners. The rejection order of the learned court below does not say any injury was caused to Abdul Rashid by the petitioners. Learned counsel further submits that the investigating officer after conclusion of the investigation submitted charge sheet under Section 308 and other sections of the IPC against the petitioners and other co-accused persons. The petitioners are having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that only allegation against the petitioners is of giving *lathi* blow to the brother-in-law of the informant and no corresponding injury



has come on record and further considering the counter version of the case and also considering the clean antecedent of the petitioners, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Supaul/concerned court in connection with Chhatapur P.S. Case No. 245 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

**(Arun Kumar Jha, J)**

balmukund/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

