

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86501 of 2023

Arising Out of PS. Case No.-272 Year-2023 Thana- KISHANGANJ District- Kishanganj

1. Md. Dilkish @ Dilkash, Son Of Late Mainuddin, Resident Of Village- Sath Bhatta, P.S.- Kishanganj, District- Kishanganj.
2. Nazir Alam @ Pappu, Son Of Late Mainuddin, Resident Of Village- Sath Bhatta, P.S.- Kishanganj, District- Kishanganj.
3. Ahmad Raza @ G Ahmad Raza, Son Of Late Mainuddin, Resident Of Village- Sath Bhatta, P.S.- Kishanganj, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate
For the State	:	Mr. Narsingh Tanti, APP
For the Informant	:	Mr. Binod Kumar Sinha, Advocate
		Mr. Shishir Kumar Shishir, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

2. In this present case, the petitioners are apprehending their arrest in connection with Kishanganj P.S. Case No. 272 of 2023, registered for the offences under Sections 341, 323, 325, 307 and 504/34 of the Indian Penal Code.

3. As per prosecution case, petitioners and other co-accused persons forbade the informant from putting bamboo fence and abused and assaulted the family members of the informant. Allegation against petitioner no.1 is that he gave a *Khanti* blow on the head of the brother of the informant.



Petitioner no.2 hit another family member with iron rod and petitioner no.3 also assaulted one Izhar.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioners and the informant are step brothers and the present case is counter blast of Kishanganj P.S. Case No. 273 of 2023 registered under Sections 341, 323, 307 and other allied sections of IPC by the mother of the petitioners on 28.06.2023. Learned counsel further submits that a free fight took place between two groups and petitioners also received injuries. No offence under Section 307 IPC is made out against the petitioners as there was no intention to cause death of any person. Moreover, injury reports of the victims show non-serious injuries which are mostly pain and swelling and also lacerated cut of superficial nature. Petitioners are having clean antecedent.

5. Learned APP as well as leaned counsel for the informant vehemently oppose the prayer for anticipatory bail. Learned counsel for the informant submits that there is specific allegation against petitioner no.1 is that he gave *Khanti* blow on the head of the brother of the informant and injury report also shows a lacerated cut on the forehead.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the superficial nature of injury and also considering the case and counter case between the parties in the background of land dispute coupled with possibility of false implication, 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 Chief Judicial Magistrate, Kishanganj/concerned court in connection with Kishanganj P.S. Case No. 272 of 2023, subject to the conditions 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)

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