

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80834 of 2024

Arising Out of PS. Case No.-162 Year-2024 Thana- PURAINI District- Madhepura

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1. Md. Khurshid @ Md. Kursaid S/o- Md. Kudush
 2. Md. Zabrail @ Md. Zabrail S/o- Md. Kudush
 3. Md. Murshid @ Md. Mursaid S/o- Md. Kudush
- Petitioner/s
- Versus
- The State of Bihar
- Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Advocate
For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2024 Heard Mr. Vivekanand Singh, learned counsel
appearing on behalf of the petitioners and Ms. Anita Kumari,
learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection
with Puraini P.S. Case No. 162 of 2024, registered for the
offences punishable under Sections 126(2), 115(2), 109, 352,
351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023
and 27 of the Arms Act.

3. Allegedly on the fateful day all the FIR named
accused persons including the petitioners came to the place of
occurrence and the petitioner no.1 made open fire due to which
the informant sustained firearm injury on his left ear. It is further
alleged that when Md. Tabrej came to rescue the informant the



petitioner no.1 and petitioner no.2 also assaulted him by means of three-nut and lathi. The allegation against the petitioner no.2 has also been levelled that he assaulted Md. Saiyaz by means of iron rod on his leg and hand. There is allegation of snatching Rs.5000/- from the pocket of Md. Tabrej against petitioner no.1.

4. Learned counsel appearing on behalf of the petitioners drawing the attention of this Court to the narrations made in the FIR submitted that in fact a free fight has taken place between the parties on account a land dispute resulting into injuries to persons of both the sides, however the prosecution has failed to explained the injuries sustained to the petitioners and others. There is a counter version of the present being Puraini P.S. Case No. 163 of 2024 instituted against the informant and others. Drawing the attention of this Court to injury report of the informant, the copy of which is marked as Annexure-2 to the application, it is submitted that the injury report does not corroborate the prosecution case of alleged firing inasmuch as the injury is found to be caused by hard and blunt substance and simple in nature. So far the injury as sustained over the body of Tabrej is concerned that is also found to be simple caused by hard and blunt substance. The injury with respect to Md. Saiyaz has neither been disclosed in the



impugned order nor it has been found during the course of investigation.

5. Narrating the aforesaid facts learned advocate for the petitioner thus contended that the injury report does not support the prosecution case and moreover all the injuries have been found to be simple in nature. The petitioners are full brothers and all the family members have been made accused in this case on account of a land dispute.

6. On the other hand, learned counsel for the State vehemently opposed the bail application and submits that apart from active participation of the petitioners in the crime there is a specific allegation of firing and assaulting the informant and others.

7. Regard being had to the submissions made on behalf of the parties and considering the injury report which do not corroborate the prosecution case coupled with the case and counter case on account of land dispute, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned



A.C.J.M.,1, Uda Kishunganj in connection with Puraini P.S.
Case No. 162 of 2024, subject to the conditions laid down in
Section 438(2) Cr.P.C. with the further condition that one of the
bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

Prakash Narayan

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