

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6085 of 2024

Arising Out of PS. Case No.-31 Year-2023 Thana- TERHAGACHH District- Kishanganj

Md. Daber @ Md. Dabir @ Md. Dower Hussain Son Of Soma @ Soma
Mohammad R/O Village- Dahibhat, P.S.- Terhagachh, Dist.- Kishanganj

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-02-2024

1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

3. The accused/petitioner is named in the F.I.R. and apprehended his arrest in connection with Terhagachh P.S. Case No. 31 of 2023 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 354 and 504 of the Indian Penal Code.

4. The allegation against the petitioner is to assault informant alongwith other co-accused persons by using iron rod, where informant and others received head injuries. It is also



alleged that assault was made with an intention to cause death.

5. Learned counsel appearing on behalf of the petitioner submitted that occurrence arises out of land disputes. It is also pointed out that regarding same occurrence petitioner's side also lodged a case which has been registered as Terhagachh P.S. Case No. 32 of 2023. It is submitted that alleged occurrence is free fight in nature, where both parties received injuries. It is further submitted that injury caused upon husband of informant appears simple and not repeated as per medical examination report, which is sufficient to suggest that petitioner was "not under intention to cause death" of husband of informant. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of aforesaid facts and circumstances and by considering the nature of injury, which is simple in nature, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction



of the learned Sub Divisional Judicial Magistrate,
Kishanganj/concerned Court below where the case is pending in
connection with Terhagachh P.S. Case No. 31 of 2023 subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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