

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5954 of 2025

Arising Out of PS. Case No.-98 Year-2024 Thana- KHODAWANDPUR District- Begusarai

1. Chhotan Das @ Chhotan Kumar @ Chotn Kumar Son of Sukhan Das @ Sukan Das Resident of Ward No. 3, Baluaaha, Panchayat Bariyarpur Purvi. Post Office- Sirsi, Police Station -Kodawanpur, District -Begusarai At P/A- Resident of Bari Durga Asthan Ward no. 03 Ps- rosera, Dist- Samastipur
2. Tirath Das son of Late Ramchandra Das Resident of Ward No. 3, Baluaaha, Panchayat Bariyarpur Purvi. Post Office- Sirsi, Police Station -Kodawanpur, District -Begusarai
3. Asharfi Das Son of Sukhan Das @ Sukan Das Resident of Ward No. 3, Baluaaha, Panchayat Bariyarpur Purvi. Post Office- Sirsi, Police Station -Kodawanpur, District -Begusarai P/A- ward no. 03, Phulvaria Ps- rosera, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kundan Kumar, Adv.
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha, APP
For the Informant	:	Mr. Sandip kr. Gautam, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-02-2025 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Khodawandpur P.S. Case No. 98 of 2024 registered for the offences punishable under Sections 126(2), 115, 118(1), 109, 303(2), 352, 308(2), 76 and 3(5) of BNS, 2023.

3. The allegation against petitioners is to assault the informant and others along with co-accused person/family



members by using iron rod, *farsa* etc. causing head and bodily injury having intention to cause their death with knowledge that their act may likely to cause death of injured, where alleged occurrence said to be arising out of previous enmity.

4. It is submitted by learned counsel appearing on behalf of the petitioner that occurrence was free fight in nature where both parties received injuries and for said purpose, petitioners also lodged a case against informant and others which was registered as Khodawandpur P.S. Case No. 99 of 2024. It is submitted that the allegations of physical assault as per the face of the FIR is not available against these petitioners but same is available against their brother namely, Vinod Das. It is also pointed out that upon medical examination the nature of injury was found simple negating intention to cause death on its face, whereas one of the injury as found upon injured was grievous in nature. While concluding arguments, it is submitted that above named petitioners are men of clean antecedent.

5 Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that



petitioners actively participated during the occurrence.

6. In view of aforesaid facts and submission and by taking note of fact as occurrence is free fight in nature where allegation of physical assault *prima-facie* not appears available against these petitioners rather same is available on their brother, accordingly petitioners above-named, in the event of their arrest or surrender before the court below within a period of four weeks, are 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 SDJM, Manjhaul, Begusarai/concerned Court, where the case is pending in connection with Khodawandpur P.S. Case No. 98 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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