

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5375 of 2025

Arising Out of PS. Case No.-334 Year-2024 Thana- BAHERA District- Darbhanga

1. Md. Samsul Khan @ Samsul Khan S/o Late Abdul Rahman @ Late Ataul Rahman Khan R/o vill- Ashapur, P.S.- Bahera, Distt.- Darbhanga
2. Md. Imran Khan @ Imran Khan S/o Md Nurul Khan R/o vill- Ashapur, P.S.- Bahera, Distt.- Darbhanga
3. Farman Khan @ Md. Farman Khan S/o Firoj Khan R/o vill- Ashapur, P.S.- Bahera, Distt.- Darbhanga
4. Md. Sharfaraz Khan @ Sarfaraz Khan S/o Md Nurul Khan R/o vill- Ashapur, P.S.- Bahera, Distt.- Darbhanga
5. Md. Sadaav Khan @ Md. Sadab @ Md. Ashif Khan S/o Madni Khan R/o vill- Ashapur, P.S.- Bahera, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shahbaj Alam, Adv.
For the Opposite Party/s : Mr. Lalan Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-02-2025 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Bahera P.S. Case No. 334 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 352, 351(2), 117(2), 109, 303(2), 74, 191(2) of B.N.S. of 2023.

3. The allegation against petitioners is to assault



the informant and others by using *farsa* causing head and bodily injury with intention to cause their death.

4. It is submitted by learned counsel appearing on behalf of the petitioners that the present case took place in the background of land dispute, which appears *prima-facie* free fight in nature, for which the petitioners has also lodged a case which is registered as Bahera P.S. Case No. 335 of 2024. It is submitted that as occurrence was free fight in nature therefore, it can be said safely that petitioners were not under intention to cause death of injured persons. It is pointed out that the present FIR was lodged against 14 named accused persons where the maximum allegation against these petitioners appears to be part of mob only their implication with present case appears out of their relation with main co-accused namely, Md. Nurul Khan, and Madni Khan who assaulted on the head of son of the informant causing grievous injury. While concluding argument, it is submitted that petitioner no. 1 to 4 are men of clean antecedents and



petitioner no. 5 is found involved in one more criminal case with same informant.

5. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that during the occurrence the informant and son of the informant received grievous injury but fairly conceded that allegation of assault is not available against these petitioners.

6. In view of aforesaid factual and legal submission and by taking note of fact as allegation of physical assault not appears available against these petitioners as per the face of FIR, rather same appears against co-accused Md. Nurul Khan and Madni Khan, coupled with the fact that the occurrence appears free fight in nature for which the counter case was also lodged by petitioners side, accordingly, all above-named five petitioners, 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 A.C.J.M., Bahera, Darbhanga/concerned Court, where the case is pending in connection with Bahera P.S. Case No. 334 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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