

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5956 of 2025

Arising Out of PS. Case No.-91 Year-2024 Thana- Manuapul District- West Champaran

Irshad Alam @ Sheikh Irshad S/O Sheikh Manshur R/O Vill. - Sheikh
Dhurwa, Police Station - Manuapul, District- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-02-2025 Heard the parties.

2.The petitioner is named in the F.I.R. and apprehending his arrest in connection with Manuapul P.S. Case No. 91 of 2024 registered for the offences punishable under Sections 126, 115, 118, 76, 109, 3(5) of the BNS.

3. The allegation against petitioner is to assault informant by using chopper on his head causing injuries along with other co-accused persons where occurrence is alleged to be arising out of land dispute.

4. It is submitted by learned counsel appearing on behalf of the petitioner that present occurrence is free



fight in nature where both parties received injury and for the same set of occurrence the petitioner registered a case which has been registered as Manuapul P.S. Case No. 94 of 2024. It is submitted that as occurrence is free fight in nature therefore it can be said safely that petitioner was not under intention to cause death. It is submitted that upon medical examination the nature of injury was found simple. While concluding the argument, it is submitted that petitioner found involved in two more criminal cases where he is on bail.

5. Learned APP duly assisted by Mr. Avinash Raj learned counsel for the informant while opposing the prayer of bail submitted that from the appearance of the injury as captured in photographs of the injured, it cannot be said that the injury was simple in nature. It is also pointed out that the allegation as to assault upon the vital part is available against this petitioner during the occurrence.

6. In view of aforesaid facts and submission as



occurrence is free fight in nature where assault as alleged to be caused not appears repeated, which caused a single and simple injury, negating *prima-facie* intention to cause death on its face or suggesting *prima-facie* that injury is not of such nature which may likely to cause death of the injured/informant, accordingly petitioner above-named, in the event of his arrest or surrender before the 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) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bettiah, West Champaran/concerned Court, where the case is pending in connection with Manuapul P.S. Case No. 91 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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