

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72063 of 2024

Arising Out of PS. Case No.-170 Year-2024 Thana- KEWATI District- Darbhanga

1. Md. Naseem @ Md Nasim S/O Late Jamil Ahmad R/O Mohalla/ Vill-
Jalwara, P.S- Keoti, Distt.- Darbhanga.
2. Md Wasim Ahmad @ Md Wasim S/O Late Jamil Ahmad R/O Mohalla/ Vill-
Jalwara, P.S- Keoti, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 07-08-2025 At the outset, learned counsel for the petitioners

prays for withdrawal of the present anticipatory bail application

on behalf of the petitioner no. 1 with a liberty to approach the

learned court below for regular bail.

2. Prayer is allowed.

3. If the petitioner no. 1 surrenders and prays for

regular bail before the court below within a period of three

weeks, the same shall be considered on its own merits without

being prejudiced by the present withdrawal and it may be

considered preferably on the same day considering the fact that

the occurrence has happened in a free fight between the parties.

The petition thus, survives only against the petitioner no. 2.

4. Heard learned counsel for the petitioner no. 2,

learned Additional Public Prosecutor for the State and the



learned counsel for the informant.

5. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 324, 307, 354B, 379, 326, 506/34 of the Indian Penal Code.

6. Allegation in the first information report is that all the accused persons, being nine in number, came variously armed to the place of occurrence and pursuant to a dispute between the parties, they assaulted the informant and his brother causing injuries to them.

7. Learned counsel for the petitioner submits that the occurrence had taken place on account of a dispute between the parties, who are agnates and there was a free fight between the parties on the issue of some construction in the house. It has also been submitted that a case was also lodged on the petitioner's side in which the petitioner also received injuries. Annexure-2 is the FIR filed on behalf of the petitioner no. 2 and the injury received by the petitioner no. 2 have also been brought on record showing injuries on the head. It has further been submitted that so far as the petitioner no. 2 is concerned, as against the allegation of assault with Garasa, no corroborative injury is present on the informant and simple injury has been found on the thumb and finger of the informant.



8. Learned APP for the State and learned counsel for the informant have opposed the application for anticipatory bail on the ground that the brother of the informant has received injuries which is also grievous in nature. However, in response, it has been submitted that such grievous injury is attributable to petitioner no. 1.

9. Considering the rival contentions and also taking into consideration the fact that there is case and counter case and the dispute had taken place on account of free fight between the parties causing injury on the petitioner's side also, let the above named petitioner no. 2 in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Keoti P.S. Case No. 170 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

(Soni Shrivastava, J)

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