

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84028 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- CHHATAPUR District- Supaul

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1. Md. Israil Son of Late Kalimuddin Resident of Village- Chakla, ward no.1, P.S-Chhatapur, Dist- Supaul Pincode-852125
 2. Md. Nasim @Md. Mosim Alam Son of Md. Israil Resident of Village- Chakla, ward no.1, P.S- Chhatapur, Dist- Supaul ,Pincode-852125

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar, Advocate
For the Opposite Party/s	:	Mr. Zainul Abedin, A.P.P.
For the Informant	:	Mr. Satyam Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-01-2025 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 147, 341, 323, 324, 325, 307, 384, 504, 506 of the Indian Penal Code.

3. As per F.I.R., on 7.4.24 at 6:30 AM, father of the informant went for morning walk and when he reached near the house of petitioner No. 1, all the F.I.R. named accused persons including these petitioners surrounded him and started assaulting him. It is alleged that when Md. Arbaj came to save the informant petitioner No. 2 assaulted him on his shoulder with iron rod.



4. Learned counsel appearing for the petitioners submits that petitioners are innocent and have committed no offence. As a matter of fact, informant and his father did not want to execute the registry and whenever petitioners approached them, informant and his father got offended and started assaulting petitioners and their family members as a result of which, altercation took place between the parties in which both sides sustained injuries. Case and counter case. There is no specific accusation of assault against petitioner No. 1. Petitioners claim clean antecedent.

5. Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the bail application and submitted that these petitioners are alleged to have assaulted the father of informant and others and injury caused by petitioner No. 2 is grievous in nature.

6. In view of the fact that petitioner No. 2 caused grievous injury, **prayer for anticipatory bail of petitioner No. 2 is refused.**

7. However, **anticipatory bail with regard to petitioner No. 1 is allowed** and it is ordered that the above named petitioner No. 1 in the event of his arrest/surrender before the court below within a period of eight weeks from



today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Supaul in connection with Chhatapur P. S. Case No. 104 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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