

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48849 of 2022

Arising Out of PS. Case No.-237 Year-2022 Thana- CHANPATIA District- West Champaran

Manjur Ansari @ Manzoor Ansari Son of Salamat Ansari R/O Village-
Khardeur Mahna, P.S.- Chanpatiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the State : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chanpatia
P.S. Case No. 237 of 2022 registered for the offence under
Sections 147, 149, 448, 323, 324, 307, 354B, 436 and 504 of the
Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.06.2022.

The allegation against the petitioner is to assault the
informant and family members causing bodily injury, while
making assault with sword, rod etc., having intention to cause
their death, alongwith other co-accused persons.



Learned counsel appearing on behalf of the petitioner submitted that the occurrence is a free fight in nature and, as such, the intention to cause death cannot be gathered against this petitioner, where both parties received injuries. It is submitted that for the same set of occurrence, petitioner's side has also lodged a police case, which has been registered as Chanpatia P.S. Case No. 239 of 2022. It is submitted that, admittedly, the present occurrence is founded over land dispute. It is pointed out that if the F.I.R. is taken into consideration, the allegation against this petitioner is to cause injury on the head of one Husne Ara Khatoon and also to cut her finger, whereas injury report is showing only one lacerated wound on her elbow caused by hard and blunt substance, completely negating the allegation, as alleged through F.I.R. It is submitted that nature of injury is simple, which further negate the intention to cause death. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.



In view of the facts and circumstances, as mentioned above, as the occurrence is a free fight, where injury caused by the petitioner is single and simple in nature coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chanpatia P.S. Case No. 237 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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