

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59854 of 2019**

Arising Out of PS. Case No.-44 Year-2019 Thana- AZIMABAD District- Bhojpur

1. JAI PRAKASH SINGH Son of Ram Chhapit Singh Resident of Village- Chipura, P.S.- Azimabad, District- Bhojpur.
2. Guddu Singh @ Ram Laddu Singh Son of Kameshwar Singh @ Kamlesh Singh Resident of Village- Chipura, P.S.- Azimabad, District- Bhojpur.
3. Rahul Kumar Son of Ram Awadesh Singh Resident of Village- Chipura, P.S.- Azimabad, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manoj Kumar  
For the Opposite Party/s : Mr.Shantanu Kumar

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

3      27-11-2019                      Heard learned counsel for the petitioners and  
learned counsel for the State.

Petitioners, who are in custody, seeks bail in connection with Azimabad P.S. Case No. 44 of 2019 registered for the offence punishable under Sections 147, 148, 149, 323 and 307 of the Indian Penal Code.

Informant who is Choukidar in his written complaint has stated that on 21.07.2019 at 8:00 AM while he was going Azimabad from his house, in the meantime, he got information that at village Chipura, land dispute is going between the parties for measurement of land. On said information he reached at



village Chipura at 8.30 AM and saw that petitioners and other co-accused variously armed with lathi, danda, bhala are assaulting each other, as a result of which some persons got injured. Thereafter all the injured persons were taken to Hospital.

It has been submitted on behalf of petitioners that they are innocent and have been falsely implicated in this case due to land dispute. It has been further submitted that three cases have been lodged for the same occurrence. Azimabad P.S. Case No. 46/2019 was instituted on 21.07.2019 by Guddu Singh from petitioner's side who was brutally assaulted by the accused of other side, another FIR of same occurrence was registered as Azimabad P.S. Case No. 47/2019 by the other side against petitioners and present case is the third case lodged by the Choukidar against both parties arising out of same occurrence. There is case and counter case and both sides sustained injuries on their person. There was free fight between both parties due to land dispute in which both sides sustained injuries. Allegations are general and omnibus against all accused and there is no allegation of specific overt act against petitioners.

Similarly placed co-accused have been granted regular bail by a co-ordinate Bench of this Court by order dated 19.09.2019 passed in Cr. Misc. No. 59225 of 2019.



Petitioners are in custody since 22.07.2019.

Learned Counsel for the informant has vehemently opposed the prayer for grant of regular bail to the petitioners.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Azimabad P.S. Case No. 44 of 2019 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.

(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

**(S. Kumar, J)**

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