

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2103 of 2022**

Arising Out of PS. Case No.-278 Year-2020 Thana- JAMOBABAZAR District- Siwan

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MUNNA KUMAR @ MUNNA PRASAD Son of Sudama Prasad Resident of
Village - Rachopali, P.S.- Jamo Bajar, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms.Kumari Anupam, Advocate
For the Opposite Party/s	:	Mr.Manoj Kumar ,APP
For the Informant	:	Mr. S.S. Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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 Jamo
Bajar P.S. Case No. 278 of 2020 registered for the offence under
Sections 341, 323, 307, 507 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.11.2022.

The allegation against the petitioner is to assault upon
the brother of the informant with iron rod, having intention to
cause death.

Learned counsel appearing on behalf of the petitioner



submitted that, admittedly, occurrence is founded over land dispute. It is submitted that nature of occurrence suggest that occurrence was a free fight, having no intention to cause death. It is submitted that allegation as regard to assault is single and not repeated without having any intervening circumstances, which further negate intention to cause death. It is also submitted that a complain case of this occurrence was also lodged by the petitioner and his family members. While concluding the argument, it has been submitted that CT Scan report was obtained privately and, moreover, investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant Shri S.S. Thakur, while opposing the prayer of bail, submitted that injury received by injured, is grievous in nature.

Considering the facts and circumstances as mentioned above, as occurrence appears to be a free fight, where assault was not repeated without having any intervening circumstances, negating intention to cause death on its face, coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in



connection with Jamo Bajar P.S. Case No. 278 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 13th, Siwan/concerned court, subject to the following conditions:

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Ritesh Kumar, who is the Cousin Brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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