

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7190 of 2022**

Arising Out of PS. Case No.-40 Year-2021 Thana- MOUZA HIDPUR District- Bhagalpur

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Aman @ Golu Sah Son of Karu Sah Resident of Villasge- Gangti (Aliganj),
P.S.- Babarganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 04-07-2022 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
Mojahidpur (Babarganj) P.S. Case No. 40 of 2021 registered for
the offence under Sections 147, 148, 149, 323, 341, 307 and 504
of the Indian Penal Code and Sections 3, 4 and 5 of Explosive



Substance Act.

The accused/petitioner is named in the F.I.R. and is in custody since 04.02.2021.

The allegation against the petitioner is of hurling bomb on the informant and others, alongwith other co-accused, with intention to cause their death.

Learned counsel appearing on behalf of the petitioner submitted that the occurrence was nothing but a free fight between the parties and for the same set of occurrence Mojahidpur (Babarganj) P.S. Case No. 41 of 2021 was lodged. It has been submitted that from bare perusal of the F.I.R., it appears that informant himself was the aggressor. It has further been submitted that F.I.R., on its face, not suggesting that the bomb was thrown with intention to cause death. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and, moreover, chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the occurrence was a free fight between the parties.

Considering the facts and circumstances as mentioned



above, as the occurrence was a free fight between the parties, negating the intention coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Mojahidpur (Babarganj) P.S. Case No. 40 of 2021 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 Sessions Judge-IV, Bhagalpur, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(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
Karu Sah, who is the father of the petitioner
and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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