

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9892 of 2022

Arising Out of PS. Case No.-97 Year-2020 Thana- KHODAWANDPUR District- Begusarai

MUNNA KUMAR @ MUNNA KUMAR THAKUR @ MUNNA THAKUR
Son of Late Ram Jeevan Thakur @ Ram Jivan Thakur @ Ram Jeevan Thakur
Resident of Village- Bajitpur, Ward No.03, P.S.- Khodawandpur (Chaurahi
O.P.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10115 of 2022

Arising Out of PS. Case No.-97 Year-2020 Thana- KHODAWANDPUR District- Begusarai

MAKESHWAR DAS @ MAKESHAWAR DAS S/o Late Dovi Das @ Late
Dobhi Das @ Dovi Das R/o village- Baturaha, Bazidpur, P.S.- Khodawandpur
(Chaurahi O.P.), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 9892 of 2022)

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Umeshanand Pandit

(In CRIMINAL MISCELLANEOUS No. 10115 of 2022)

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-08-2022

IN CR. MISC. NO. 9892 OF 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 Khodawandpur P.S. Case No. 97 of 2020 registered for the offence under Section 147/148/149/323/324/307/379 of the Indian Penal Code and Section 27 of the Arms Act and later on 302 of the IPC has also been added.

The accused/petitioner is named in the F.I.R. and is in custody since 02.12.2021.

The allegation against the petitioner is to commit murder of wife of the informant along with other co-accused persons, equipped with deadly weapons like *lathi*, rod, spade, etc., in the background of previous long standing land disputes.

Learned counsel appearing on behalf of the petitioner submitted that the present occurrence found over previous land disputes, occurrence is nothing but free fight between the parties, where both the parties have received injuries, for the same counter case was also lodged, where the case of petitioner is previously lodged to this case bearing Kodawandpur P.S. No.96 of 2020. It is also submitted that occurrence was nothing but free fight, therefore, it cannot be said that petitioner was under intention to cause death and moreover, injury caused by this petitioner is simple in nature, further negating the intention to cause death. While concluding the argument, it is submitted



that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that injury caused by this petitioner is simple in nature, as per paragraph no.23 of the case diary.

Considering the facts and circumstances as mentioned above, as occurrence is free fight, where, injury caused by this petitioner, is simple in nature, negating the intention to cause death in the background of previous land dispute coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Khodawandpur P.S. Case No. 97 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 Sub Division Judicial Magistrate, Manjhaul, Begusarai/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 10115 OF 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 Khodawandpur P.S. Case No. 97 of 2020 registered for the offence under Section 147/148/149/323/324/307/379 of the Indian Penal Code and Section 27 of the Arms Act and later on 302 of the IPC has also been added.

The accused/petitioner is named in the F.I.R. and is in custody since 02.12.2021.

The allegation against the petitioner is to commit murder of wife of the informant along with other co-accused persons, equipped with deadly weapons like *lathi*, rod, spade, etc., in the background of previous long standing land disputes.

Learned counsel appearing on behalf of the petitioner submitted that the present occurrence found over previous land disputes, occurrence is nothing but free fight between the parties, where both the parties have received injuries, for the same counter case was also lodged, where the case of petitioner is previously lodged to this case bearing Kodawandpur P.S. No.96 of 2020. It is also submitted that occurrence was nothing but free fight, therefore, it cannot be said that petitioner was under intention to cause death and moreover, injury caused by this petitioner is simple in nature, further negating the intention



to cause death. It is also submitted that allegation against the petitioner is limited to in-discriminate fire, where, no one received injury. It is also submitted that allegation is not getting strength as nothing recovered like empty cartridge, during course of investigation, which may suggest that there was in-discriminate firing during the occurrence. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that no fire-arms injury caused to anyone, as per FIR.

Considering the facts and circumstances as mentioned above, as allegation is of in-discriminate firing, without causing firearms injury negating intention to cause death coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Khodawandpur P.S. Case No. 97 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 Sub Division Judicial Magistrate, Manjhaul, Begusarai/concerned court, subject to the condition



as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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