

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7944 of 2022

Arising Out of PS. Case No.-249 Year-2021 Thana- SANGRAMPUR District- Munger

1. RAJEEV RANJAN KUMAR @ RAJAN KUMAR SON OF NAGESHWAR YADAV RESIDENT OF VILLAGE- CHHOTKI KHARUI, POLICE STATION- TETIYA BAMBAR (SANGRAMPUR), DISTRICT- MUNGER
2. PRABHAT YADAV SON OF NAGESHWAR YADAV RESIDENT OF VILLAGE- CHHOTKI KHARUI, POLICE STATION- TETIYA BAMBAR (SANGRAMPUR), DISTRICT- MUNGER
3. NAGESHWAR YADAV SON OF LATE CHHOTAN YADAV RESIDENT OF VILLAGE- CHHOTKI KHARUI, POLICE STATION- TETIYA BAMBAR (SANGRAMPUR), DISTRICT- MUNGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10803 of 2022

Arising Out of PS. Case No.-249 Year-2021 Thana- SANGRAMPUR District- Munger

RAKESH YADAV Son of Devendra Yadav Resident of Village - Chhotki khurai, P.s.- Sangrampur (Tetia Bamber), Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 7944 of 2022)

For the Petitioner/s : Mr. Saroj Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

(In CRIMINAL MISCELLANEOUS No. 10803 of 2022)

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 17-10-2022

IN CR. MISC. NO. 7944 OF 2022

Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with Sangrampur (Tetitabambar O.P.) P.S. Case No. 249 of 2021 registered for the offence under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code, Section 27 of Arms Act and later on Section 302 of I.P.C. was added.

The accused/petitioners are named in the F.I.R. and are in custody since 30.09.2021.

The allegation against the petitioners is to commit murder of cousin brother of the informant along with other co-accused persons, where, dispute is founded over casting of vote in local '*Panchayt*' election.

Learned counsel appearing on behalf of the petitioners submitted that occurrence is nothing but free fight, where, both the parties have received injuries and for the same set of occurrence a case was also lodged by petitioner's side. It is also submitted that as occurrence was free fight in nature, intention to cause death cannot be gathered. It is also submitted that allegation as regard to assault is very much general and omnibus against petitioner no.1 and petitioner no.2 and there is no reason to disbelieve this version, where informant is the eye-witness,



though the allegation raised against petitioner no.1 raised specific as regard to give fatal assault during course of investigation much later, while recording the statement of son of the deceased, due to local political differences. Whereas, allegation against petitioner no.3 is purely general and omnibus in nature. It is also submitted that petitioners are man of clean antecedent and moreover, 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 appearing for the State, opposed the prayer for bail.

Considering the facts and circumstances as mentioned above, as allegation as regard to assault is general and omnibus against, having contradiction in version of eye-witness, where, occurrence appears free fight coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Sangrampur (Tetitabambar O.P.) P.S. Case No. 249 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Munger/concerned court, subject to the condition as mentioned under Section



437(3) of the Cr.P.C.

IN CR. MISC. NO. 10803 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 Sangrampur (Tetitabambar O.P.) P.S. Case No. 249 of 2021 registered for the offence under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code, Section 27 of Arms Act and later on Section 302 of I.P.C. was added.

The accused/petitioner is named in the F.I.R. and is in custody since 30.09.2021.

The allegation against the petitioner is to commit murder of cousin brother of the informant along with other co-accused persons, where, dispute is founded over casting of vote in local '*Panchayt*' election.

Learned counsel appearing on behalf of the petitioner submitted that occurrence is nothing but free fight, where, both the parties have received injuries and for the same set of occurrence a case was also lodged by petitioner's side. It is also submitted that as occurrence was free fight in nature, intention



to cause death cannot be gathered. It is also submitted that allegation as regard to assault is very much general and omnibus against this petitioner and there is no reason to disbelieve this version, where informant is the eye-witness, though the name of the petitioner raised specific as regard to give fatal assault during course of investigation much later, while recording the statement of son of the deceased, due to local political differences. It is also submitted that petitioners are man of clean antecedent and moreover, 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 appearing for the State, opposed the prayer for bail.

Considering the facts and circumstances as mentioned above, as allegation as regard to assault is general and omnibus, having contradiction in version of eye-witnesses, where, occurrence appears free fight 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 Sangrampur (Tetitabambar O.P.) P.S. Case No. 249 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 Judicial Magistrate 1st Class, Munger/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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