

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14073 of 2022

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

1. RAM CHANDRA YADAV Son of Late Girju yadav Resident of Village - Chhotki Kharui, P.S.- Tetiabamber (O.P.), Sangrampur, District - Munger.
2. Sarun Yadav Son of Ram Chandra Yadav Resident of Village - Chhotki Kharui, P.S.- Tetiabamber (O.P.), Sangrampur, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-10-2022 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
Tetiabamer Sangrampur 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 these petitioners rather it has been specifically stated during course of investigation by son of the deceased that fatal assault was made by one co-accused, namely, Ranjan Kumar. It is also submitted that petitioners are man of clean antecedent, 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 these petitioners in the background, 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 (Tetiabamber 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 Chief Judicial Magistrate, 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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