

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27816 of 2022

Arising Out of PS. Case No.-130 Year-2020 Thana- PUNPUN District- Patna

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1. Pawan Kumar Son of Ram Dayal Yadav Resident of Village - Alawalpur Ps-
Punpun District- Patna
 2. Ranjeet Kumar Son of Ram Dayal Yadav Resident of Village - Alawalpur
Ps- Punpun District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-07-2022 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 Punpun
P.S. Case No. 130 of 2020 registered for the offence under
Sections 341, 323, 324, 307, 379, 504, 506 and 34 of Indian



Penal Code.

The accused/petitioners are named in the F.I.R. and are in custody since 23.02.2022.

The allegation against the petitioners is to assault the informant and other, equipped with deadly weapons like lathi, sword etc., with intention with cause death, in the background of trivial issue, as regard to repairing of '*Nad*'.

Learned counsel appearing on behalf of the petitioners submitted that the occurrence is nothing but a free fight between the parties against trivial issue, based upon neighbourhood differences, where both the parties received injuries, negating intention thereby. It is submitted that for the same set of occurrence petitioners have lodged Punpun P.S. Case no. 131 of 2020. It is also submitted that multiple injuries, which was received by injured, is due to assault caused by different persons during the course of the occurrence but the petitioners did not made repeated blow, without having any intervening circumstances, negating intention to cause death. While concluding the argument, it is submitted that both the petitioners are persons of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP appearing on behalf of the State, while opposing the prayer for bail, fairly conceded that counter case has been lodged by the petitioners for the same set of occurrence.

Considering the facts and circumstances as mentioned above, as the occurrence was nothing but a free fight, where both the parties received injuries, negating intention coupled with the fact that chargesheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Punpun P.S. Case No. 130 of 2020 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, Masaurhi (Patna)/concerned Court, subject to the following conditions:

“(i) Accused/Petitioners 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 petitioners, duly supported by the documents.



(ii) That one of the bailors shall be
Sudhir Prasad, who is the brother-in-law of
petitioner no.1 and deponent of the present
bail petition.”

(Chandra Shekhar Jha, J)

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