

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39023 of 2021

Arising Out of PS. Case No.-192 Year-2020 Thana- KUTUMBA District- Aurangabad

1. Ranjit Dubey S/o Awadh Bihari Dubey R/o Village- Kutumba, P.S.- Kutumba, District- Aurangabad.
2. Ajit Dubey S/o Awadh Bihari Dubey R/o Village- Kutumba, P.S.- Kutumba, District- Aurangabad.
3. Awadh Bihari Dubey S/o Late Yagunandan Dubey @ Yadunandan Dubey R/o Village- Kutumba, P.S.- Kutumba, District- Aurangabad.
4. Nirmala Devi W/o Awadh Bihari Dubey R/o Village- Kutumba, P.S.- Kutumba, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-06-2022 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 apprehend their arrest in connection
with Kutumba P.S. Case No. 192 of 2020 registered for the
offence under Sections 452, 323, 307, 504, 506, 509, 379 and
354 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R.

The allegation against the petitioners is to assault the



informant and his family members, with intention to cause death.

Learned counsel appearing on behalf of the petitioners submitted that the present case has been lodged on the basis of complaint for the occurrence alleged to be occurred 42 days earlier. It has further been submitted that the present set of occurrence is founded over the family partition dispute for which counter case has also been lodged by the petitioners. It has further been submitted that the nature of injury, which is self procured, after two months of occurrence is only showing hairline fracture on the wrist of injured Shatrughan Kumar. While concluding the argument, it has also been submitted that there is no repeated blow without having any intervening circumstances, the occurrence is only a free fight negating the intention of the petitioners to cause death as alleged.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that there is case and counter case between the parties and there is no allegation as regard to repetition of blow without having any intervening circumstances.

Considering the facts and circumstances as mentioned above, as there is free fight between the parties and the blow, as



alleged, is not repeated without having any intervening circumstances negating the intention of the petitioners to cause death, let the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail in connection with Kutumba P.S. Case No. 192 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 Chief Judicial Magistrate, Aurangabad, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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