

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29309 of 2022

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

SAHUL YADAV @ SURAJ KUMAR S/o Ghanshyam Yadav Resident of
Village- Chhotki Kharui, P.S.- Sangrampur (Tetiya Bamber), District-
Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
Mr. Rounak Kumar Singh (Pankaj), Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-09-2022 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 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 21.01.2022.

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 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 petitioner is a 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 this petitioner in the background, 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 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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