

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33087 of 2022

Arising Out of PS. Case No.-112 Year-2020 Thana- CHANPATIA District- West Champaran

1. Jaduni Yadav Son of Late Bachchan Yadav Resident of Village - Kauwaha Laxmipur, P.s.- Sirisiya OP, Distt.- West Champaran.
2. Rajharan Yadav @ Rajan Yadav Son of Jaduni Yadav Resident of Village - Kauwaha Laxmipur, P.s.- Sirisiya OP, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-12-2022 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
Chanpatiya (Sirisiya O.P.) P.S. Case No. 112 of 2020 registered
for the offence under Sections 147, 148, 323, 307, 379 and 504
of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and
are in custody since 31.03.2022.

The allegation against the petitioners is to assault
informant and others causing head injuries, while making an



assault with iron rod, alongwith other co-accused persons due to previous enmities arises out of land disputes.

Learned counsel appearing on behalf of the petitioners submitted that the occurrence is free fight, where both parties received injuries and, as such, it cannot be said that petitioners were under intention to cause death of the injured. It is also submitted that Chanpattia (Sirisiya O.P.) P.S. Case No. 103 of 2020 was lodged by petitioners' side for the same set of occurrence. It is also pointed out that present F.I.R. was lodged after delay of 41 days without having any just explanation. While travelling over the argument, it is submitted that only one head injury was found upon injured in the background of allegation that two accused persons assaulted the injured on his head with iron rod, creating a doubt as who is the author of said injury. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as F.I.R. was lodged after unexplained delay of 41 days, where occurrence is of free fight coupled with the fact that



charge-sheet has been submitted, let both above named petitioners are directed to be released on bail in connection with Chanpatiya (Sirisiya O.P.) P.S. Case No. 112 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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