

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41886 of 2022

Arising Out of PS. Case No.-348 Year-2022 Thana- KOILWAR District- Bhojpur

1. Manoj Singh @ Manoj Kumar Singh Son of Tarkeshwar Prasad Singh R/o Village - Gidha, P.S.- Koilwar (Gidha O.P.), District - Bhojpur
2. Mausham Kumar Singh @ Digvijay Singh Son of Manoj Singh @ Manoj Kumar Singh R/o Village - Gidha, P.S.- Koilwar (Gidha O.P.), District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bachan Jee Ojha, Advocate
For the Opposite Party/s	:	Mr. Uday Chand Prasad, APP
For the Informant	:	Mr. Baxi S.R.P. Sinha, Advocate
		Mr. Brajesh Prasad Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 22-11-2022 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 Koilwar (Gidha) P.S. Case No. 348 of 2022 registered for the offence under Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and is in custody since 01.06.2022.

The allegation against the petitioners is to cause bodily injuries, while equipped with rod, sword, etc. to informant and others



for previous long-standing family partition disputes, having intention to cause their death.

Learned counsel appearing on behalf of the petitioners submitted that the occurrence is nothing but a free fight, where both parties received injuries and, as such, it cannot be said that petitioners were under intention to cause death of informant and others. It is further submitted that regard to same occurrence, a counter case was lodged by petitioners side, which has been registered as Koilwar (Gidha) P.S. Case No. 349 of 2022. It is submitted that the nature of injury, as alleged to be caused by petitioners, appears muscle/skin dip and too was obtained from a private hospital without having any specific remark regarding nature clearly suggests false implication. It is submitted that allegation of causing grievous injuries is available against co-accused Raushan Kumar Singh to one Parmhansh Singh. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted with learned counsel appearing on behalf of the informant while opposing the prayer of bail submitted that there are series of criminal litigations between the parties arises out of family partition disputes.

Considering the facts and circumstances as mentioned above and by taking note of occurrence as a free fight coupled with



the fact that charge-sheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Koilwar (Gidha) P.S. Case No. 348 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhojpur at Ara/concerned court, subject to the following conditions:

“(i) That the accused/petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioners, if approached by the State for the same.

(ii) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioners duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

