

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44014 of 2022

Arising Out of PS. Case No.-122 Year-2022 Thana- PAKRIDAYAL District- East Champaran

1. Amrendra Singh Son of Ram Nagina Singh R/O Village- Dhanauji, P.S.- Pakridayal, District- East Champaran
2. Prabhakar Singh Son of Manoj Singh R/O Village- Dhanauji, P.S.- Pakridayal, District- East Champaran
3. Pappu Singh @ Manoj Kumar Singh Son of Ram Nagina Singh R/O Village- Dhanauji, P.S.- Pakridayal, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. R. Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava, APP
For the Informant	:	Mr. Madhurendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-11-2022 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
Pakridayal P.S. Case No. 122 of 2022 registered for the offence
under Sections 147, 148, 149, 497, 341, 342, 302, 307, 324,
325, 326, 120(B), 504 and 506 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R., where
petitioner no. 1 and 2 are in custody since 05.05.2022 and
petitioner no. 3 is in custody since 08.05.2022.



The allegation against the petitioners is to commit the murder of the husband of the informant due to long-standing land disputes.

Learned counsel appearing on behalf of the petitioners submitted that the allegation, as regard to assault, against the above named petitioners is very much general and omnibus, whereas the allegation, as regard to fatal assault, is available against Siyaram Singh and Dharmendra Singh. It is submitted that both parties are agnate and a title suit regarding land dispute is pending between the parties, which is the main cause of present occurrence. It is further submitted that for the same set of occurrence, a counter case was lodged by petitioners side, which was registered as Pakridayal P.S. Case No. 123 of 2022, wherein, 6 persons from petitioners side received grievous injury, suggesting loudly that occurrence is nothing but a free fight. 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 by learned counsel appearing on behalf of the informant, Mr. Madhurendra Kumar, opposes the prayer of bail of above named petitioners.



Considering the facts and circumstances as mentioned above, as allegation, as regard to assault, is very much general and omnibus against these petitioners, rather the same is specific against other co-accused persons, causing death of the husband of informant, where occurrence appears to be a free fight coupled with the fact that charge-sheet has been submitted, let the petitioners, above named, are directed to be released on bail in connection with Pakridayal P.S. Case No. 122 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., East Champaran at Motihari/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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