

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45046 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- TANKUPPA District- Gaya

1. Pramod Singh Son of late Indradeo Singh R/o Village - Mahiyarpur, P.s.- Tankuppa, District - Gaya.
2. Uday Singh Son of Shyamdeo Singh R/o Village - Mahiyarpur, P.s.- Tankuppa, District - Gaya.
3. Chandan Kumar Son of Uday Singh R/o Village - Mahiyarpur, P.s.- Tankuppa, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-11-2022 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 Tankuppa
P.S. Case No. 49 of 2022 registered for the offence under
Sections 147, 148, 149, 341, 323, 325, 307, 379, 427, 452, 504
and 506 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and is
in custody since 17.05.2022.

The allegation against the petitioners is to assault the



informant and others by using lathi, iron rod, farsa, etc., alongwith other co-accused persons, causing bodily injuries having intention to cause death due to certain local disputes and difference arises out of construction of local road.

Learned counsel appearing on behalf of the petitioners submitted that the present occurrence is a free fight in nature, where both parties received injuries and, as such, it is safely suggest that the petitioners were not under intention to cause death of the informant and others. It is further submitted that for the same set of occurrence, a case was also lodged by petitioner's side, which has been registered as Tankuppa P.S. Case No. 50 of 2022. It is further submitted that allegation against these petitioner, as regard to assault, is appearing on the non-vital part of the body i.e., shoulder and the nature of injury is also appearing simple, which is sufficient to suggest that petitioner no. 1 was not under intention to cause death, whereas allegation, as regard to assault, against petitioner no. 2 is appearing very much general and omnibus, whereas petitioner no. 3 alleged to assault on head but nature of injury on medical examination appears as simple. 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 opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as occurrence is free fight, negating the intention to cause death, where informant and others received simple injuries coupled with the fact that charge-sheet has already been submitted, let above named three petitioners are directed to be released on bail in connection with Tankuppa P.S. Case No. 49 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 Judicial Magistrate, 1st Class, Gaya/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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