

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46105 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- BIKRAM District- Patna

1. Vimal Yadav Son of Ram Keshwar Yadav Resident of Village - Painapur, P.S.- Bikram, District - Patna.
2. Kundan Kumar Son of Vimal Yadav Resident of Village - Painapur, P.S.- Bikram, District - Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prem Ranjan Kumar, Adv.
For the State	:	Mr. Ram Sumiran Rai, APP.
For the Informant/s	:	Mr. Saytendra Kumar Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-12-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as learned counsel for the informant and the learned APP for the State.

Petitioners seek regular bail in connection with Bikram P.S. Case No. 153 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 448 and 504 of the Indian Penal Code.

As per the prosecution, the informant alleged that the petitioners along with other co-accused persons came at the



door of his house and started abusing him. On protesting one accused namely Dhirendra @ Dhiraj assaulted on the head of the informant's brother by means of Khanti. Thereafter, all the accused persons assaulted both the sons of the informant by means of Danda, Khanti and Rod.

The main submissions advanced by learned counsel Mr. Prem Ranjan Kumar appearing for the petitioners are that there is a case and counter case in between both the parties and two persons sustained injuries from petitioners' side in the occurrence committed on behalf of prosecution side regarding which Vikram P.S. Case No. 154 of 2022 was lodged and the allegation of assaulting the sons of the informant is general and omnibus and the same is against five accused persons including the petitioners and on the person of both the said injured persons only one injury has been found though on the body of the injured person namely Rahul Kumar one grievous injury was found but the same was not specifically alleged to have been committed by both the petitioners.

Learned APP Mr. Ram Sumiran Rai appearing for the State as well as learned counsel Mr. Saytendra Kumar Verma appearing for the informant have opposed the bail prayer.

Heard both the sides and perused the FIR and



Annexures relating to the injury reports of the injured persons of the present case as well as the counter case and after taking into account the facts of the FIR of the instant case as well as the counter case an incident of free fight appears to have taken place in between both the parties which resulted in injuries to the persons of both the sides. Considering these facts as well as fair and clean antecedent of the petitioners mentioned in the petition and also the fact that both the petitioners and co-accused persons were alleged to have assaulted the sons of the informant but the said allegation is not specific against both the petitioners and on the person of both the sons of the informant only one injury was found as per their injury report and also taking into account the petitioners' custody period, in the opinion of this Court the petitioners deserve to a lenient approach of this Court. Accordingly, let the petitioners be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Bikram P.S. Case No. 153 of 2022.

(Shailendra Singh, J.)

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