

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68162 of 2021

Arising Out of PS. Case No.-480 Year-2019 Thana- PAROO District- Muzaffarpur

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Hiralal Singh S/o Late Khirodhan Singh R/o village- Pande, P.S.- Paroo,
Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-07-2022 Heard learned counsel appearing on behalf of the
petitioner 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 petitioner seeks bail in connection with Paroo P.S.
Case No. 480 of 2019 registered for the offence under Sections
341, 323, 324, 325, 307, 427, 379 and 34 of Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 09.09.2021.



The allegation against the petitioner is to assault the informant and his family members with intention to cause death, equipped with deadly weapons like sword, farsa, rod etc.

Learned counsel appearing on behalf of the petitioner submitted that dispute is founded over land dispute between the parties and occurrence was a free fight, where both parties received injuries. It is submitted that case and counter case were lodged between the parties for the same set of occurrence. It is further submitted that allegation against the petitioner is to assault with farsa, which is a sharp edged weapon, which creates a doubt, as regard to injury found on medical examination of the injured, as same was found lacerated. It is submitted that if the version of informant, as set out in written complaint is believed, then certainly, the number of injuries found upon the injured will be more than one, as it has been alleged to assault repeatedly by the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that occurrence was a



free fight, where case and counter case was lodged between the parties.

Considering the facts and circumstances as mentioned above, as the occurrence was a free fight, where both the parties received injuries coupled with the fact that nature of injury is not in corroboration with manner of assault as well as nature of weapon, alleged to be used to cause assault, let the petitioner, above named, is directed to be released on bail in connection with Paroo P.S. Case No. 480 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-cum-Sub Judge-III, Muzaffarpur, subject to the following conditions:

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

(ii) That one of the bailors shall be



Amrendra Kumar Singh, who is the nephew
of the petitioner and deponent of the present
bail petition.”

(Chandra Shekhar Jha, J)

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