

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68683 of 2021**

Arising Out of PS. Case No.-124 Year-2021 Thana- KONCH District- Gaya

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1. RAVINDRA YADAV S/o Late Brahamdeo Yadav R/o village- Itwan, P.S.- Konch, District- Gaya
 2. Raja Yadav @ Raja Ram Yadav S/o Arvind Yadav R/o village- Itwan, P.S.- Konch, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP
For the Informant	:	Mr. Rajeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-10-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State as well as learned counsel for the informant.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Konch P.S. Case No. 124 of 2021 registered for the offence under Sections 147, 149, 341, 323, 307 and 504 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

The accused/petitioners are named in the F.I.R. and are in custody since 08.09.2021.



The allegation against the petitioners is to commit murder of cousin brother of the informant along with other co-accused persons, equipped with deadly weapons, as sword, rod, etc., due to previous enmities.

Learned counsel appearing on behalf of the petitioners submitted that occurrence is of free fight in nature, where, both the parties have received injuries and for the same set of occurrence, a case was also lodged by other co-accused persons, as Konch P.S. Case No. 123 of 2021. It is further submitted that as occurrence is of free fight in nature, therefore, it cannot be safely gathered that the petitioner was under intention to cause death. It is also submitted that during course of investigation, while recording of statement of one eye-witness of the occurrence, namely, Pintu Kumar, the specific allegation of fatal assault was made against co-accused, namely, Saurabh Kumar @ Guddu Kumar, where allegation against petitioner no.1 is of order giver only. It is further submitted that allegation against petitioner no.2 is limited to be part of the mob only. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.



Learned APP duly assisted by learned counsel for the informant, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as thrust of allegation regarding fatal assault is against Saurabh Kumar @ Guddu Kumar, not against these petitioners coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Konch P.S. Case No. 124 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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