

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63142 of 2022

Arising Out of PS. Case No.-639 Year-2022 Thana- TURKAULIYA District- East
Champaran

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1. MUNNA SAH @ MUNNA KUMAR S/o Deo Sah R/o Village- Belwa Rai
Tiwari Tola, P.S.- Turkauliya, Distt- East Champaran.
 2. DEEPAK SAH @ DEEPAK KUMAR S/o Deo Sah R/o Village- Belwa Rai
Tiwari Tola, P.S.- Turkauliya, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar. Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-12-2022 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
Turkauliya P.S. Case No. 639 of 2022 registered for the offence
under Sections 147, 149, 341, 323, 324, 307, 354(B), 379, 504,
448 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and
are in custody since 28.07.2022.

The allegation against the petitioners is to assault
informant and others, while equipped with *gadasi, iron rod*,



lathi etc. causing grievous injuries having intention to cause death due to previous longstanding enmities.

Learned counsel appearing on behalf of the petitioners submitted that the alleged occurrence is free fight in nature, where both parties received injuries and for the same set of occurrence, the petitioners also lodged a police case registered as Turkauliya P.S. Case No. 656 of 2022. It is further submitted that occurrence is of free fight and as such it cannot be said that petitioners were under intention to cause death of injured/informant. It is also submitted that both petitioners involved in 2 more criminal cases, where they are on bail. While concluding the argument, it has been submitted that investigation of this case is completed, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned above, as occurrence is free fight in nature coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Turkauliya P.S. Case No. 639 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 Chief Judicial Magistrate, 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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