

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14484 of 2023

Arising Out of PS. Case No.-207 Year-2022 Thana- BHAGWANPUR District- Begusarai

1. Shyam Sundar Poddar, S/o Vishnudev Poddar
 2. Raushan Kumar @ Raushan Kumar Poddar, S/o Shyam Sundar Possad
 3. Bholu Kumar @ Ankit Kumar S/o Shyam Sundar Poddar
- All are resident of village-Mubarakpur, Ward No.03 Chandaaur, P.S.-
Bhagwanpur, District- Begusarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The accused/petitioners are named in the FIR and apprehending their arrest in connection with Bhagwanpur P.S. Case No.207 of 2022 registered for the offences punishable under Sections 143, 341, 323, 447, 354-B, 385, 387, 307, 504 and 506 of the Indian Penal Code.

Allegation against petitioners is to assault informant by using rod, bamboo-stick and brickbat, etc. causing head and bodily injuries, having intention to cause their death, where occurrence arises out of land dispute.

It is submitted by learned counsel for the



petitioners that occurrence is free fight in nature where both parties received injuries and for the same set of occurrence, a counter case bearing Bhagwanpur P.S. Case No.208 of 2022 was registered by the petitioners' side. It is pointed out that both parties received injuries during the course of occurrence and, as such, it can safely be gathered that petitioners were not under intention to cause death of informant and others. It is submitted that the nature of injuries are reported simple, which is sufficient to gather that same is not sufficient to cause death in ordinary course of nature. While concluding argument, it is submitted that petitioner nos. 1 and 2 are involved in one more criminal case, where they are on bail whereas petitioner no.3 is of clean antecedent.

Learned APP opposes the prayer for bail.

In view of the above-mentioned facts and circumstances and by taking note of the fact that as occurrence is free fight in nature, where reported injuries are simple, the above-named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks of this order, are directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial



Magistrate-1st, Begusarai in connection with Bhagwanpur P.S.
Case No.207 of 2022, subject to the conditions as laid down
under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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