

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18028 of 2023

Arising Out of PS. Case No.-645 Year-2022 Thana- HARNAUT District- Nalanda

1. RAMESHWAR BIND @ RAMESHWAR JAMADAR @ RAMESHAR JAMADAR Son of Late Lakhan Bind Resident of Village- Garbhu Chak, P.S.- Harnaut, District- Nalanda
2. DHARMVEER BIND Son of Rameshwar Bind Resident of Village- Garbhu Chak, P.S.- Harnaut, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Samir Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, APP
For the Informant/s	:	Ms. Sonam Kumari.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 08-08-2023 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State duly assisted by learned counsel appearing on behalf of the informant.

2. The petitioners seek bail in connection with Harnaut P.S. Case No. 645 of 2022 registered for the offence under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and under Section 27 of the Arms Act.

3. The accused/petitioners are named in the F.I.R. and are in custody since 20.11.2022.

4. The allegation against the petitioners is to open fire upon informant/others causing firearm injuries, having intention



to cause their death, where occurrence arises out of pending land disputes.

5. Learned counsel appearing on behalf of the petitioners submitted that the occurrence is free fight in nature, where both parties received injuries and for the same set of occurrence, a counter case was also lodged by petitioner's side, which has been registered as Harnaut P.S. Case No. 646 of 2022. It is submitted that as the occurrence is of free fight, it cannot be said that petitioners were under intention to cause death of informant/injured. It is submitted that even from the narration of F.I.R., it cannot be gathered that alleged firing was made with intention to cause death. While concluding the argument, it has been submitted that both petitioners are of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel, Ms. Sonam Kumari appearing on behalf of the informant, while opposing the prayer of bail submitted that the allegation against petitioner no. 2 is specific as to cause firearm injuries on the neck of Anandi Kumar.

7. Considering the facts and circumstances as



mentioned above, as occurrence appears free fight in nature, where narration of F.I.R. is not suggesting that alleged firing was made with an intention to cause death of injured/informant coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 20.11.2022, accordingly, both above named petitioners are directed to be released on bail in connection with Harnaut P.S. Case No. 645 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioners shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioners.

(ii) That accused/petitioners shall cooperate in the trial and shall be physically present on each and every



date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioners duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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