

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13493 of 2023

Arising Out of PS. Case No.-685 Year-2022 Thana- SUPAUL District- Supaul

1. Sita Devi W/O Umesh Mahato R/V- Chainsing Patti, Ward No.- 08, P.S. And District- Supaul
2. Umesh Mahato S/O Late Visho Mahato @ Bisho Mahato R/V- Chainsing Patti, Ward No.- 08, P.S. And District- Supaul
3. Mithun Mahato @ Mithun Kumar S/O Umesh Mahato R/V- Chainsing Patti, Ward No.- 08, P.S. And District- Supaul
4. Arti Devi @ Aarti Devi W/O Mithun Mahato R/V- Chainsing Patti, Ward No.- 08, P.S. And District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Ntyanand, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioners are named in the F.I.R. and apprehend their arrest in connection with Supaul P.S. Case No. 685 of 2022 registered for the offences punishable under Sections 447, 341, 323, 354-B, 324, 307, 380, 448/34 of the Indian Penal Code (in short 'I.P.C.') and under Sections 03 and



04 of The Prevention of Witch (DAAIN) Practices Act.

The allegation against these petitioners is to assault informant and others by means of using *lathi* and rod alongwith other co-accused persons, causing head and bodily injuries, having intention to cause their death, where occurrence is arises out of neighbourhood disputes and differences.

Learned counsel appearing on behalf of the petitioners submitted that occurrence is free fight in nature where both parties received injuries and for the same set of occurrence a case was lodged by petitioner's side, which has been registered as Supaul P.S. Case No. 686 of 2022. It is submitted that as occurrence is free fight in nature, therefore, it can be safely gathered that petitioners were not under intention to cause death of informant. It is submitted that allegation of assault which is grievous in nature is collective and not specific. While concluding the argument it is submitted that petitioners are found involved in one criminal case, where they are on bail.

Learned APP for the State opposes the prayer of bail. Considering the aforesaid facts and circumstances as mentioned above, as occurrence is free fight in nature negating, *prima facie*, intention to cause death, accordingly, all above named petitioners, in the event of their arrest or surrender before the



court below within a period of four weeks, 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 Chief Judicial Magistrate, Supaul/concerned Court, where the case is pending in connection with Supaul P.S. Case No. 685 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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