

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14562 of 2023

Arising Out of PS. Case No.-397 Year-2022 Thana- BARAULI District- Gopalganj

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PARMATMA SINGH SON OF CHANDRADEV SINGH R/O VILLAGE-
BAGHEJI, P.S.- BARAULI, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-05-2023 Heard learned counsel appearing on behalf of the parties.

The accused/petitioner is named in the F.I.R. and apprehend his arrest in connection with Barauli P.S. Case No. 397 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code.

The allegation against the petitioner is to assault informant and other along with other accused persons, by means of using spade, *lathi*, rod, etc, causing head and bodily injuries, having intention to cause their death, where, occurrence is arises out of previous enmity.

Learned counsel appearing on behalf of the petitioner submitted that occurrence is free fight in nature, as such it



cannot be said that petitioner was under intention to cause death of informant and other injured persons. It is submitted that for the same set of occurrence a counter case was also registered by petitioner's side, which has been registered as Barauli P.S. Case No. 398 of 2022, stating thereof that petitioners also received injury, during course of occurrence. It is submitted that the allegation as regard to cause head injury by using spade is specifically available against co-accused, namely, Nitish Kumar, whereas, allegation as regard to assault is appearing very much general and omnibus against this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

Learned APP for the State, opposes the prayer of bail.

Considering the aforesaid facts and circumstances of the case, as allegation as regard to assault is appearing very much general and omnibus against this petitioner, who is man of clean antecedent, let above named petitioner, in the event of his arrest or surrender before learned court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Gopalganj /concerned Court, where the



case is pending in connection with Barauli P.S. Case No. 397 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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