

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27847 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- MOKAMAH District- Patna

1. Chintu Kumar @ Pintu Kumar son of Lalan Singh Village- More Ps- Mokama Dist- Patna
2. Sri Ram Kumar son of Lalan Singh Village- More Ps- Mokama Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-08-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Mokama P.S. Case No. 52 of 2023 registered for the offence under Sections 147, 148, 307, 504, 506 and 323 of the Indian Penal Code.

3. The accused/petitioners are named in the F.I.R. and are in custody since 09.02.2023.

4. The allegation against the petitioners is to assault informant and others alongwith co-accused persons/family members by means of “*katta*” (a sharp-edged cut weapon), causing head and bodily injuries to them with intention to cause their death, where occurrence arises out of land disputes.



5. Learned counsel appearing on behalf of the petitioners submitted that occurrence is appearing free fight in nature and it can be gathered safely that petitioner was not under intention to cause death of informant/injured. It is further submitted that petitioner's side also lodged a case regarding same occurrence, which has been registered as Mokama P.S. Case No. 53 of 2023. It is also pointed out that injury found upon injured/informant is lacerated and same not appears convincing in background of allegation as to assault with sharp-edged cut weapon like "*katta*" and moreover, the nature of injury is simple, which also negates intention to cause death on its face. While concluding the argument, it has been submitted that 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 opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as occurrence appears free fight, where nature of injury appears simple coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 09.02.2023, accordingly, both above named petitioners are



directed to be released on bail in connection with Mokama P.S.
Case No. 52 of 2023 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 Additional Chief
Judicial Magistrate, Barh, Patna/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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