

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37570 of 2023

Arising Out of PS. Case No.-197 Year-2021 Thana- PANDAUL District- Madhubani

1. Rahul Mishra @ Rahul Kumar Mishra Son of Basudev Mishra Resident of Village - Bihnagar, P.S. - Pandaul, District - Madhubani
2. Vikash Mishra Son of Basudev Mishra Resident of Village - Bihnagar, P.S. - Pandaul, District - Madhubani
3. Sagar Thakur Son of Santosh Thakur Resident of Village - Navtol Jhanjharpur, P.S. - Jhanjharpur, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40146 of 2023

Arising Out of PS. Case No.-197 Year-2021 Thana- PANDAUL District- Madhubani

BASUDEV MISHRA Son of Late Bali Narayan Mishra Resident of Village - Bihnagar, P.S.- Pandaul, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 37570 of 2023)

For the Petitioner/s : Mrs. Namrata Mishra, Advocate
Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Alok Ranjan, Advocate

For the State : Mr. Nirmal Kumar Sinha, APP

(In CRIMINAL MISCELLANEOUS No. 40146 of 2023)

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

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-07-2023

(In Cr. Misc. No. 37570 of 2023)

1. Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.



2. Let the defect(s), if any, be removed within a period of four weeks from today.

3. The petitioners seek bail in connection with Pandaul P.S. Case No. 197 of 2021 registered for the offence under Sections 341, 323, 307, 379, 504/34 of the Indian Penal Code.

4. The accused/petitioners are named in the F.I.R. and are in custody since 11.04.2023.

5. The allegation against the petitioners is to assault informant and others alongwith other co-accused persons by means of knife, iron rod etc., causing head and bodily injuries and having intention to cause their death, where occurrence arises out of Panchayat election.

6. Learned counsel appearing on behalf of the petitioners submitted that the narration of F.I.R. suggests single assault as to cause bodily injuries against each of the petitioner without having any intervening circumstances suggesting that they were not under intention to cause death of informant/injured. It is submitted that occurrence is appearing free fight in nature, where for the same set of occurrence petitioners' side also lodged a case, which has been registered as Pandaul P.S. Case No. 198/2021 but fairly conceded that



informant of this case was not shown there as an accused. While concluding the argument, it has been submitted that petitioners are men 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.

7. Learned APP duly assisted by learned counsel Mr. Alok Ranjan appearing for the informant, while opposing the prayer of bail submitted that injury as caused by petitioner nos. 1 and 2 namely, Rahul Mishra and Vikash Mishra appears grievous in nature. It is further submitted that informant of the present case is not an accused in Pandaul P.S. Case No. 198/2021 therefore, said case cannot be taken as a counter case of the present but fairly conceded that other co-accused persons are arrayed there as accused.

8. Considering the facts and circumstances as mentioned above, and by taking note of the fact as occurrence is appearing free fight in nature, where both parties received injuries coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 11.04.2023, accordingly, all above named petitioners are directed to be released on bail in connection with Pandaul P.S. Case No. 197



of 2021 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- III, Madhubani/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(In Cr. Misc. No. 40146 of 2023)

1. Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period of four weeks from today.

3. The petitioner seeks bail in connection with Pandaul P.S. Case No. 197 of 2021 registered for the offence under Sections 341, 323, 307, 379, 504/34 of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is in custody since 11.04.2023.

5. The allegation against the petitioner is to assault informant and others alongwith other co-accused persons by means of knife, iron rod etc., causing head and bodily injuries and having intention to cause their death, where occurrence arises out of Panchayat election.

6. Learned counsel appearing on behalf of the



petitioner submitted that the narration of F.I.R. suggests single assault as to cause bodily injuries against petitioner without having any intervening circumstances suggesting that he was not under intention to cause death of informant/injured. It is submitted that occurrence is appearing free fight in nature, where for the same set of occurrence petitioner's side also lodged a case, which has been registered as Pandaul P.S. Case No. 198/2021 but fairly conceded that informant of this case was not shown there as an accused. While concluding the argument, it has been submitted that petitioner is a man 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.

7. Learned APP duly assisted by learned counsel Mr. Alok Ranjan appearing for the informant, while opposing the prayer of bail submitted that injury as caused by petitioner appears grievous in nature. It is further submitted that informant of the present case is not an accused in Pandaul P.S. Case No. 198/2021 therefore, said case cannot be taken as a counter case of the present but fairly conceded that other co-accused persons are arrayed there as accused.

8. Considering the facts and circumstances as



mentioned above, and by taking note of the fact as occurrence is appearing free fight in nature, where both parties received injuries coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 11.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Pandaul P.S. Case No. 197 of 2021 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- III, Madhubani/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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