

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47002 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- ALINAGAR District- Darbhanga

1. Ranjeet Muhiya, Son of Ganesh Mukhiya,
2. Ganesh Mukhiya, Son of Late Bauelal Mukhiya
Both are Resident of village - Manhar Hariyath Tole Gulriya, P.S. - Alinagar,
Distt. - Darbhanga

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The petitioners seek bail in connection with
Alinagar P.S. Case No.07 of 2023 registered for the offences
punishable under Sections 147, 149, 323, 307, 379, 354-B and
506 of the Indian Penal Code.

3. Both accused/petitioners are named in the FIR and
are in custody since 28.01.2023.

4. Allegation against the petitioners is to assault
informant and others by means of rod, *danda*, sharp-edged
weapon along with other co-accused persons/family members,
having intention to cause their death, where occurrence arises
out of partition dispute.



5. It is submitted by learned counsel that occurrence is free fight in nature where both parties are agnate and received injuries during the course of occurrence. It is submitted that for the same set of occurrence, petitioners' side also lodged a case, which has been registered as Alinagar P.S. Case No.8 of 2023. It is submitted, as occurrence is free fight, it cannot be gathered that petitioners were under intention to cause death of informant and others. It is further pointed out that injuries as alleged to be caused by petitioners is simple in nature, which further negate the intention to cause death. While concluding argument, it is submitted that petitioner no.1 though found involved in one more criminal case but, after investigation, police submitted final form against him and, as such, it can be said safely that he is a man of clean antecedent, whereas petitioner no.2 found involved in two more criminal cases, where he is on bail and moreover investigation of this case has been completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioners.

7. In view of above-mentioned facts and circumstances and by taking note of fact as occurrence is free



fight in nature, where injuries as alleged to be caused by these petitioners appearing simple in nature, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 28.01.2023, accordingly, both above-named petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Benipur, Darbhanga in connection with Alinagar P.S. Case No.07 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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