

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46827 of 2022

Arising Out of PS. Case No.-88 Year-2021 Thana- SANGRAMPUR District- Munger

Tripurari Yadav S/O Bharat Yadav Resident of village- Rainia, P.S.- Tetia
Bambar (Sangrampur), District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Sanjiv Kumar Singh, Advocate
For the Opposite Party : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 25-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in custody in connection with Sangrampur (Tetia Bambar) P.S. Case No. 88 of 2021 for the offence under Sections 341, 323, 324, 307, 504, 302, 34 of the Indian Penal Code.

Initially, Ashutosh Yadav assaulted the informant because of the dispute over cutting of sand and subsequently other co-accused also assaulted the prosecution party for which the petitioner is said to have assaulted the deceased Sukra Yadav with a *kudal*. The victim was treated in the hospital and he died after ten days.

It is further submitted by learned counsel for the petitioner that no offence under Section 302 of the I.P.C. is



made out against the petitioner and it seems that due to grave and sudden provocation, this occurrence took place. There is no allegation of repetition of the assault by the petitioner.

The petitioner is in custody since 20.04.2021.

It has also been submitted that charge has been framed by the Trial Court. *Prima facie*, this Court finds that in a free fight over cutting of sand, the deceased received injury and in this case may not be made out under Section 302 but under Section 304 of the I.P.C.

Considering the facts and circumstances of the case, this application for bail is allowed.

Accordingly, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Munger in connection with Sangrampur (Tetia Bambar) P.S. Case No. 88 of 2021.

The petitioner will co-operate in the trial and appear regularly in the trial with his lawyer or personally. He will not delay the trial. In case of default, his bail bond shall be cancelled.

The observation made in this order shall not affect the trial.



(Sandeep Kumar, J)

Harsh/ Saif

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