

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59307 of 2023

Arising Out of PS. Case No.-333 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. Rani Devi, Wife of Pawan Thakur
 2. Dilkhush Kuamr @ Gunjan Kumar
Both resident of Village-Pachbir, P.S.-Sahebpur Kamal, Distt.- Begusarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-09-2023 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR
and apprehending their arrest in connection with Sahebpur P.S.
Case No.333 of 2022 registered for the offences punishable
under Sections 147, 149, 307, 379, 324 and 504 of the Indian
Penal Code.

3. The allegation against the petitioners is to
assault the informant and others along with co-accused persons
equipped with deadly weapons causing head and bodily injuries,
having intention to cause their death where occurrence is arises
out of land dispute.

4. It is submitted by learned counsel appearing



on behalf of the petitioners that the present occurrence is free fight in nature, which is apparent from the narration of the FIR itself for which, a case was instituted by petitioners' side, which has been registered as Sahebpur Kamal P.S. Case No.334 of 2022. It is submitted that as occurrence is free fight in nature, where both parties received injuries therefore, it cannot be said that petitioners were under intention to cause death of informant/injured, as the prime legal ingredients as to attract the offence under Section 307 of the Indian Penal Code is intention to cause death. It is further pointed out that petitioner no.1 is a lady of clean antecedent whereas allegation against petitioner no.2 is appearing very much general and omnibus to cause head injuries to the husband of informant namely, Wakil Thakur. It is also submitted that the injuries, which were noticed upon the injured is appearing laceration doubting allegation, as petitioner no.2 was alleged to equip with sharp-cut weapon. While concluding argument, it is submitted that petitioner no.2 is also a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of the above-mentioned facts and circumstances and by taking note of fact as occurrence is free fight in nature in which both parties have sustained injuries



where petitioner no.1 is a lady of clean antecedent and allegation against petitioner no.2 *qua* physical assault appears general and omnibus, accordingly, both above named petitioners, in event of their arrest or surrender before court below, within a period of four weeks, 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 A.C.J.M.-IV, Begusarai in connection with Sahebpur Kamal P.S. Case No.333 of 2022, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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