

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62567 of 2022

Arising Out of PS. Case No.-287 Year-2021 Thana- PHULPARAS District- Madhubani

Tirpit Yadav, Son of Late Prasad Yadav, Resident of Village-Simra, P.S.-
Phulparas, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakuar, Advocate
	Mr. Vaishnavi Singh, Advocate
For the Opposite Party/s :	Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 25-02-2023 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Phulparas P.S. Case No.287 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 354-B, 427, 504 and 506 of the Indian Penal Code.

The petitioner/accused is named in the first information report and is in custody since 12.06.2022.

The allegation against the petitioner is to assault informant and others causing bodily injury, having intention to cause death, where the occurrence is founded over settlement of pond.

It is submitted by Mr. Ajay Kumar Thakur, learned



counsel appearing for the petitioner that the occurrence is appearing free-fight in nature, for which a case bearing Phulparas P.S. Case No.288 of 2021, was also lodged by this petitioner. It is further submitted that both parties have received injuries during the occurrence and, as such, it cannot be said that the petitioner was intention to cause death of the injured/informant and others. It is also submitted that the maximum allegation as appears from face of FIR, as available against this petitioner is of order giver. It is also submitted that injured, namely, Baby Kumari, who alleged to be received injury caused by this petitioner is simple in nature, not suggesting to cause death in ordinary course of nature. While concluding the argument, it is submitted that petitioner alleged to be involved in fifteen criminal cases, where in eleven cases, either he acquitted by the trial court or final form submitted against him, and as such, it can safely be said that effective criminal antecedent of petitioner is of four cases and moreover, investigation of this case has been completed, for which the charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP while opposing the prayer for bail submitted that petitioner actively participated in crime.



In view of the above-mentioned facts and circumstances, as role of petitioner appears to be an order giver, where injuries caused to be inflicted by him appears, not sufficient to cause death in ordinary course of nature, coupled with the fact that charge-sheet has already been submitted, the above-named petitioner is 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 Additional Chief Judicial Magistrate-1st, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No.287 of 2021, subject to the conditions as mentioned under Section 437(3) of the Code of Criminal Procedure.

(Chandra Shekhar Jha, J.)

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