

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66933 of 2022**

Arising Out of PS. Case No.-10 Year-2022 Thana- DALSINGHSARAI District- Samastipur

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1. Munner Devi @ Munirka Devi @ Munnar Devi, Wife of Lalo Ray @ Lalo Roy @ Lao Rai, Resident of Village- Kamrawan, P.S.- Dalsinghsarai, District- Samastipur.
2. Lalo Ray @ Lalo Roy @ Lao Rai, Son of Kashi Rai, Resident of Village- Kamrawan, P.S.- Dalsinghsarai, District- Samastipur.
3. Naresh Rai, Son of Dinesh Rai @ Dinesh Ray, Resident of Village- Kamrawan, P.S.- Dalsinghsarai, District- Samastipur.
4. Dinesh Rai @ Dinesh Ray, (due to slip of pen in order impugned “@ Dinesh Devi” has wrongly been mentioned), Son of Kashi Rai, Resident of Village- Kamrawan, P.S.- Dalsinghsarai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      25-04-2023                      Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioners are named in the F.I.R. and apprehend their arrest in connection with Dalsinghsarai P.S. Case No. 10 of 2022 registered for the offences punishable under Sections 447, 448, 341, 323, 307, 379, 504, 354B/34 of the Indian Penal Code.



The allegation against these petitioners is to assault informant and others by means of lathi, iron rod etc., alongwith other co-accused persons/family members causing bodily injuries having intention to cause their death, when informant objected to wash tractor in front of his house.

Learned counsel appearing on behalf of the petitioners submitted that the occurrence is free fight in nature, where both parties received injury and for the same set of occurrence counter case bearing no. Dalsinghsarai P.S. Case No. 11 of 2022 was registered by petitioner no. 1 against husband of informant and others, suggesting thereof that occurrence was free fight in nature and as such it can be safely gathered that petitioners were not under intention to cause death. It is also pointed out that the allegation of assault causing head injury to injured Maksudan Rai is available against Roshan Rai, where maximum allegations available against petitioner nos. 2 & 3 to dragged informant for a short distance, during the course of occurrence, where the allegation against petitioner no. 1, who is a lady is appearing ornamental just to aggravate the allegations as to snatch the golden ear rings of informant, during the course of occurrence. While concluding the argument, it is submitted that petitioners are of clean antecedents.



Learned APP while opposing the prayer of bail fairly conceded that occurrence is free fight in nature for which counter case was also registered by petitioner no. 1.

Considering the aforesaid facts and circumstances and by taking note of nature of allegation where occurrence is free fight in nature, let above named petitioners, in the event of their arrest or surrender within a period of four weeks, are directed to be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Dalsinghsarai, Samastipur/concerned Court, where the case is pending in connection with Dalsinghsarai P.S. Case No. 10 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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