

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66723 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- MADHWAPUR District- Madhubani

1. Ajay Kumar @ Ajay Thakur S/O Ram Kripal Thakur R/O Village- Pirokhar, P.S- Madhwapur, District- Madhubani
2. Anil Kumar Thakur @ Anil Kumar @ Anil Thakur S/O Ram Kripal Thakur R/O Village- Pirokhar, P.S- Madhwapur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagna Deo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, APP

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 Madhwapur P.S. Case No. 02 of 2022 registered for the offences punishable under Sections 341, 323, 354(A), 307, 504, 506 and 34 of the Indian Penal Code (in short 'I.P.C.').

The allegation against these petitioners is to assault informant and her family members alongwith other co-accused



persons/family members by means of sword, rod, *lathi*, etc. causing head and other bodily injuries, having intention to cause their death. It is also alleged thereof to snatch chain made up of gold value of Rs. 60,000/- (Rupees Sixty Thousand) and Rs. 5,100 (Rupees Five Thousand One Hundred) cash belongs to the informant.

Learned counsel appearing on behalf of the petitioners submitted that occurrence is founded over previous issues as regard to shifting of dung, where counter case of the occurrence was also lodged by petitioners' side, which has been registered as Madhwapur P.S. Case No. 01 of 2022. It is submitted that occurrence is free fight in nature and, as such, it cannot be said that petitioners were under intention to cause death of the injured. It is further submitted that single incised wound was found on the head of the informant, which was alleged to be caused in absence of intervening circumstances, negating the intention of petitioners to cause death. It is also submitted that the injury, as found upon other injured, namely, Ram Krishna Thakur, is lacerations, which cannot be caused by sharp cut weapon as alleged. It is submitted that nature of injury of informant and his son is simple, which cannot be said sufficient to cause death in ordinary course of nature. While concluding



the argument it is submitted that both petitioners are men of clean antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances as mentioned above, as occurrence is free fight in nature where injury, alleged to be caused, appears to be simple in nature, accordingly, both above named petitioners, in the event of their arrest or surrender within a period of four weeks, are directed to be released on bail, 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 Judicial Magistrate, Benipatti, Madhubani/concerned Court, where the case is pending in connection with Madhwapur P.S. Case No. 02 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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