

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70159 of 2022

Arising Out of PS. Case No.-216 Year-2021 Thana- MOKAMAH District- Patna

1. Ashok Singh @ Mantu Singh, Son of Madan Singh
 2. Raja Kumar @ Mohit Kumar, Son of Ashok Singh @ Mantu Singh
 3. Kishori @ Aayushi D/o Ashok Singh @ Mantu Singh
 4. Rija Kumari, D/o Ashok Singh @ Mantu Singh
 5. Siya Devi @ Seema Devi, Wife of Ashok Singh @ Mantu Singh
- All are R/O Vill.- Pachmahalla, P.S.- Mokama, Distt.- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-05-2023 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The accused/petitioners are named in the FIR and apprehending their arrest in connection with Mokama P.S. Case No.216 of 2021 registered for the offences punishable under Sections 341, 323, 307 and 504 read with 34 of the Indian Penal Code.

The allegation against the petitioners is to assault the informant and others along with co-accused persons/family members causing bodily injuries by means of using *lathi* etc, having intention to cause their death where occurrence is



founded over land dispute.

It is submitted by learned counsel that though specific allegation as causing injury to injured Gopal Kumar is available against petitioner no.1, Ashok Singh @ Mantu but, the nature of injury suggest that it is simple in nature, which is not sufficient to cause death of injured in ordinary course of nature, suggesting thereby absence of intention to cause death. It is submitted that allegation as regard to assault against rest of the petitioners is appearing very much general and omnibus in nature. It is submitted that both the parties are agnates and due to land dispute, the said occurrence has taken place. Learned counsel further pointed out that petitioner nos. 1, 2, 3 and 5 were found involved in one more criminal case, where they are on bail, whereas petitioner no.4 Rija Kumari is a lady of clean antecedent.

Learned Additional Public Prosecutor opposes the prayer of bail.

In view of the above-mentioned facts and circumstances and by taking note of nature of allegation regarding assault and also by taking note of nature of injury, which appears simple, let above-named petitioners, in the event of their arrest or surrender in the court below within a period of



four weeks of this order, is directed to be released on bail 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.-II, Barh, Patna in connection with Mokama P.S. Case No.216 of 2021, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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