

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68995 of 2022

Arising Out of PS. Case No.-573 Year-2020 Thana- SUPAUL District- Supaul

1. Raj Kishor Yadav Son of Late Mahendra Yadav Resident of village - Amha, Ward No.- 1, P.S.- Supaul, District - Supaul.
2. Kaushal Kumar Son of Jai Prakash Jawala Resident of village - Amha, Ward No.- 1, P.S.- Supaul, District - Supaul.
3. Gautam Kumar Son of Late Subhash Yadav Resident of village - Amha, Ward No.- 1, P.S.- Supaul, District - Supaul.
4. Shiv Narayan Yadav Son of Late Jahuri Yadav Resident of village - Amha, Ward No.- 1, P.S.- Supaul, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-05-2023 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 F.I.R. and apprehending their arrest in connection with Supaul P.S. Case No. 573 of 2020, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 324, 307, 379, 504, 506 of the Indian Penal Code and 27 of Arms Act.



The allegation against above named petitioners is to assault informant and others along with other co-accused persons/family members by means of lathi, rod etc. causing head and bodily injuries having intention to cause their death, where occurrence is alleged to be founded over land dispute.

Learned counsel appearing on behalf of the petitioners submitted that occurrence is free fight in nature, where both parties received injuries and as such it cannot be said that petitioners were under intention to cause death of informant and others. It is submitted that for the same set of occurrence a case, registered in connection with Supaul P.S. Case No. 572 of 2020 was lodged by petitioners' side against informant and others. It is submitted that the nature of injury as alleged to be received by informant and others during the course of occurrence is reported as simple, sufficient to suggest that injuries are not sufficient to cause death in ordinary course of nature, negating intention of petitioners to cause death. While concluding the argument it is submitted that petitioner no. 1 found involved in one more criminal case, where after investigation final form was submitted and as such he is also of clean antecedent, whereas there is no criminal case available against petitioner nos. 2, 3 and 4.



Learned APP opposes the prayer of bail.

Considering the aforesaid facts and circumstances as occurrence is free fight and also by taking note of the nature of injury, which is simple let, all the above named petitioners, in the event of their arrest or surrender before the Court below, within a period of four weeks of the order, 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 Chief Judicial Magistrate, Supaul/concerned Court, where the case is pending in connection with Supaul P.S. Case No. 573 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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