

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70083 of 2022

Arising Out of PS. Case No.-127 Year-2022 Thana- DEO District- Aurangabad

1. Ashok Yadav Son of Mahanghu Yadav R/V- Deodhari Bigha, P.S.- Deo, District- Aurangabad
2. Amar Kumar Son of Ashok Yadav R/V- Deodhari Bigha, P.S.- Deo, District- Aurangabad
3. Sikendra Kumar Son of Sanjay Yadav R/V- Deodhari Bigha, P.S.- Deo, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP
For the Informant	:	Mr. Kamendra Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-04-2023 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 Deo P.S. Case No. 127 of 2022 registered for the offences punishable under Sections 307, 323, 504, 147, 148, 149, 324 and 325 of the Indian Penal Code (in short 'I.P.C.').

The allegation against these petitioners is to assault



informant and others by means of sword, *lathi*, rod, etc. causing thereby head and bodily injuries, having intention to cause their death, where occurrence appears to be founded over land disputes.

Learned counsel appearing on behalf of the petitioners submitted that occurrence is free fight in nature, where both parties received injuries and for the same set of occurrence a case was also lodged by petitioners' side, which was lodged as Deo P.S. Case No. 128 of 2022. It is submitted that injury, as alleged to be caused by these petitioners, appears simple as per injury report, suggesting that same are not sufficient to cause death in ordinary course of nature, negating thereby intention of petitioners. While concluding the argument it is submitted that petitioners are men of clean antecedent.

Learned APP duly assisted by learned counsel, Mr. Kamlendra Prasad, appearing on behalf of the informant while opposing the prayer of bail submitted that petitioners actively participated in present occurrence.

Considering the aforesaid facts and circumstances as mentioned above, as occurrence is of free fight in nature where injury also appears simple, let all above named petitioners, in the event of their arrest or surrender before the court below



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 Chief Judicial Magistrate, Aurangabad/concerned
Court, where the case is pending in connection with Deo P.S.
Case No. 127 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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