

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70749 of 2022

Arising Out of PS. Case No.-995 Year-2021 Thana- MADHEPURA District- Madhepura

Sonu Poddar S/O Umesh Poddar R/O Village- Dhurgaon, P.S- Madhepura
(Bharahi O.P) , District- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-03-2023 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Madhepura P.S. Case No.995 of 2021 registered for the offence under Sections 341, 323, 307, 379, 354, 448, 504, 506 and 34 of the Indian Penal Code and Section 3/4 of the D.P. Act.

The accused/petitioner is named in the F.I.R. and is in custody since 07.09.2022.

The allegation against the petitioner is to assault the informant and other family members by means of *lathi*, rod etc., causing head and other bodily injuries, having intention to cause their death, where occurrence is founded over suspicions that sister-in-law (*bhabhi*) of the informant is involved in witch practices.



Learned counsel appearing on behalf of the petitioner submitted that occurrence is appearing free fight in nature, where both parties received injuries and as such it cannot be said that petitioner was under intention to cause death. It is submitted that for the same set of occurrence a counter case was lodged by petitioner as Madhepura P.S. Case No.996 of 2021. It is also submitted that injury as alleged to be caused by this petitioner to one Ramesh Poddar, is appearing simple in nature, suggesting that same is not sufficient to cause death in the ordinary course of nature. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as occurrence is of free fight in nature, where injury as alleged to be caused by this petitioner is appearing simple in nature coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Madhepura P.S. Case No.995 of 2021



on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhepura/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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