

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69245 of 2022

Arising Out of PS. Case No.-354 Year-2021 Thana- GOVINDGANJ District- East
Champaran

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1. Suresh Mahto S/O Late Shivrindan Mahto R/V- Saraiya Pipra, P.S.- Govindganj, District- East Champaran
 2. Upendra Mahato S/O Hridya Mahto R/V- Saraiya Pipra, P.S.- Govindganj, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Naveen Kumar Pandey, 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.

The accused/petitioners are named in the F.I.R. and apprehended their arrest in connection with Govindganj P.S. Case No.354 of 2021 registered for the offences punishable under Sections 143, 448, 447, 341, 307, 323, 324, 379, 354, 504 and 506/34 of the Indian Penal Code.

The allegation against the petitioners is to assault informant and others by means of *farsa*, *lathi* and rod causing head and bodily injuries, having intention to cause their death, where dispute arises out of land dispute.



Learned counsel appearing on behalf of the petitioner submitted that occurrence is of free fight in nature, and as such, it cannot be said that petitioners were under intention to cause death of informant and others. It is submitted that Complaint Case bearing No.2001(C) of 2021 was filed before Chief Judicial Magistrate, Motihari by petitioner side regarding same occurrence. It is also submitted that informant received simple injuries during the course of occurrence, whereas the opinion of injury of daughter of informant is still awaited, which is about headache, swelling of scalp, vomiting and body pain, apparently where visible external injuries are absent. While concluding the argument it is submitted that both petitioners are men of clean antecedent.

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

In view of the facts and circumstances as mentioned above and by taking note of the nature of occurrence, which is free fight in nature and also by taking note of injuries, both 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, East Champaran, Motihari/concerned Court
below where the case is pending in connection with Govindganj
P.S. Case No.354 of 2021 subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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