

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70471 of 2022

Arising Out of PS. Case No.-391 Year-2021 Thana- BARAUNI District- Begusarai

1. Sandeep Kumar, S/o Ashok Singh,
 2. Manoj Kumar, S/o Harivansh Singh
 3. Vijay Singh, S/o Laxmi Singh
- All are residents of village- Chakballi, P.S.- Barauni, District- Begusarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ramakant Sharma, Senior Advocate
		Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Madhura Nand Jha, APP
For the Informant	:	Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-04-2023 Heard learned senior counsel appearing on behalf of the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the informant.

The accused/petitioners are named in the FIR and apprehending their arrest in connection with Barauni (Refinery O.P.) P.S. Case No.391 of 2021 registered for the offences punishable under Sections 147, 149, 341, 323, 379, 307, 325, 353, 354, 448, 427 and 504 of the Indian Penal Code.

As per the prosecution case, the petitioners are alleged to have assaulted the informant and others causing head injuries and also outraged the modesty of wife of the informant. It is further alleged that petitioners were under intention to cause



death of informant and others.

It is submitted by Mr. Ramakant Sharma, learned senior counsel appearing on behalf of the petitioners that occurrence is free fight in nature where both parties have sustained injuries and for the same set of occurrence, the petitioner's side also lodged Barauni (Refinery O.P.) P.S. Case No.390 of 2021 which is prior to this case. It is further submitted that as occurrence is free fight, therefore, it is unsafe to gather that petitioners were under intention to cause death of informant and other injured persons. It is also submitted that the occurrence is founded over land dispute, which appears to be compromised between the parties. It is submitted that the injury report of injured Aman Kumar not convincing on its face to suggest that same is sufficient to cause death in ordinary course of nature. He fairly conceded that the final injury report is not available on the record. It is also pointed out that similarly situated co-accused, namely, Appu Kumar @ Appu Singh has already been granted anticipatory bail by one of the learned co-ordinate Bench of this Court vide order dated 17.01.2023 passed in Cr. Misc. No.52546 of 2022.

Learned Additional Public Prosecutor for the State duly assisted by Mr. Deepak Kumar, learned counsel for the



informant while opposing the prayer for bail submitted that the matter has been compromised between the parties, which appears to be founded upon the land dispute. It is conceded that final injury report is not available on record as submitted by learned senior counsel appearing on behalf of the petitioners.

In view of the above-mentioned facts and circumstances, as occurrence is free fight where nature of injury not appears to suggest that death may be caused in ordinary course of nature, let the above-named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, 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, Begusarai in connection with Barauni (Refinery O.P.) P.S. Case No.391 of 2021, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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