

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74993 of 2022

Arising Out of PS. Case No.-417 Year-2022 Thana- BELAGANJ District- Gaya

1. Rajeev Yadav @ Rajeev Kumar @ Rajiv Kumar Son of Pujan Yadav Resident of village - Sakir Bigha, P.S.- Belaganj, District - Gaya.
2. Raushan Kumar @ Raushan Yadav Son of Pujan Yadav Resident of village - Sakir Bigha, P.S.- Belaganj, District - Gaya.
3. Piyare Yadav Son of Sarju Yadav Resident of village - Sakir Bigha, P.S.- Belaganj, District - Gaya.
4. Pujan Yadav @ Shiv Pujan Yadav Son of Sarju Yadav Resident of village - Sakir Bigha, P.S.- Belaganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-05-2023 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 apprehend their arrest in connection with Belaganj P.S. Case No. 417 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 325, 354-B and 379 of the Indian Penal Code (in short 'I.P.C.').

The allegation against these petitioners is to assault informant and others alongwith other co-accused



persons/family members causing head and bodily injuries by using sharp-cut weapons, having intention to cause their death, where occurrence is alleged to be founded upon dispute related with common passage (*galli*).

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 has been registered as Belaganj P.S. Case No. 418 of 2022. It is submitted that as occurrence is free fight, therefore, it can be safely gathered that petitioners were not under intention to cause death of informant/injured. It is pointed out that parties are agnate and occurrence is founded over land dispute regarding common passage. It is also submitted that allegation, as regard to assault, is on non-vital part of the body and same is also appearing very much general and omnibus, where even after passing several months no injury report was procured by Investigating Officer of this case as it is appearing from the order of learned Session Judge, Gaya as passed in A.B.P. No. 2902 of 2022 dated 15.11.2022. While concluding the argument it is submitted that petitioner nos. 1, 2 and 3 are men of clean antecedent and petitioner no. 4 found involved in one more criminal case,



where he is on bail.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances as mentioned above, as occurrence is free fight in nature, where parties are appearing agnate, 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 Additional Chief Judicial Magistrate 2nd Gaya/concerned Court, where the case is pending in connection with Belaganj P.S. Case No. 417 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

