

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74169 of 2022

Arising Out of PS. Case No.-237 Year-2022 Thana- GHOSI District- Jehanabad

1. SANJAY MOCHI Son of Yugal Mochi Resident of Village- Karhara, P.S.- Ghoshi, District- Jehanabad
2. JHUNKI MOCHI @ NANBUT DAS Son of Manu Mochi Resident of Village- Karhara, P.S.- Ghoshi, District- Jehanabad
3. KRISHNA MOCHI Son of Bahiru Mochi Resident of Village- Karhara, P.S.- Ghoshi, District- Jehanabad
4. BIPPI KUMAR @ B.P. KUMAR Son of Arjun Mochi Resident of Village- Karhara, P.S.- Ghoshi, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-03-2023 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

The petitioners seeks bail in connection with Ghosi P.S. Case No.237 of 2022 registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 337, 338, 379, 354, 504, 506 and 427 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added subsequently.

The accused/petitioners are named in the F.I.R., where Petitioner no.1 is in custody since 22.08.2022 and Petitioner nos. 2, 3 and 4 are in custody since 24.09.2022.



The allegation against the petitioners is to assault informant and others, alongwith other co-accused persons by lathi, rod etc., and also by pelting stones due to enmity arising out of community clash, over local issues raised during the marriage party.

Learned counsel appearing on behalf of the petitioners submitted that occurrence is of free fight, receiving injuries by both parties, where petitioners' side also lodged case, which has been registered as Ghosi P.S. Case No.238 of 2022. It is also submitted that from the bare perusal of F.I.R. the allegation of fatal assault is available against co-accused, namely, Ajit Mochi, Anand Mochi and Ranjit Mochi, not against these petitioners. While concluding the argument, it is submitted that criminal antecedents of all four petitioners are clean and, moreover, investigation of this case has been completed, for which, charge-sheet has already 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 allegation of fatal assault is not available against these petitioners, where maximum allegation appearing to be the part



of the mob coupled with the fact that chargesheet has already submitted, let above named four petitioners are directed to be released on bail in connection with Ghosi P.S. Case No.237 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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

