

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.451 of 2023

Arising Out of PS. Case No.-203 Year-2022 Thana- JAYNAGAR District- Madhubani

1. Kasindra Yadav Son Of Bhola Yadav Rv- Parwa P.S- Jainagar, Dist- Madhubani
2. Sawan Kumar Son Of Kasindra Yadav Rv- Parwa P.S- Jainagar, Dist- Madhubani
3. Shivani Kumari D/O Manoj Kumar Rv- Parwa P.S- Jainagar, Dist- Madhubani
4. Pradip Goit Son Of Rajendra Goit Rv- Parwa P.S- Jainagar, Dist- Madhubani
5. Sukhlahi Devi Wife Of Rajendra Goit Rv- Parwa P.S- Jainagar, Dist- Madhubani
6. Jitendra Goit Son Of Rajendra Goit Rv- Parwa P.S- Jainagar, Dist- Madhubani
7. Babita Devi @ Babita Kumari Wife Of Jitendra Goit Rv- Parwa P.S- Jainagar, Dist- Madhubani
8. Sanjila Devi Wife Of Pradip Goit Rv- Parwa P.S- Jainagar, Dist- Madhubani
9. Kishori Goit Son Of Rajendra Goit Rv- Parwa P.S- Jainagar, Dist- Madhubani
10. Dharmendra Kumar Goit @ Dharmendra Goit Son Of Rajendra Goit Rv- Parwa P.S- Jainagar, Dist- Madhubani
11. Priyanka Kumari @ Priyanka Devi Wife Of Dhanik Lal Yadav Rv- Parwa P.S- Jainagar, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate

For the Opposite Party/s : Mr. Bharat Lal, 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 apprehended their arrest in connection with Jainagar P.S. Case No.203 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 447, 448, 379, 380, 427, 337, 354-B, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioners is to assault informant and others by means of sword and iron rod and also open fire by using country made pistol, having intention to cause death of informant and others, where dispute arises out of longstanding land disputes.

Learned counsel appearing on behalf of the petitioner submitted that occurrence is appearing free fight in nature, where both parties received injuries and a counter case was also registered as Jainagar P.S. Case No.207 of 2022. It is submitted that allegation of firing is available against co-accused, namely Dhanik Lal Yadav, who is not petitioner in the present case. It is submitted that specific allegation is available against petitioner no. 2, namely Sawan Kumar, where it is alleged that he snatched



golden chain from the daughter of informant and petitioner no.9, namely Kishori Goit, assaulted by means of sword causing injury on the fingers of the informant, which is non-vital part of the body. It is also submitted that allegation against rest of the petitioners is appearing very much general and omnibus. While concluding the argument it is submitted that all petitioners are 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 allegation as regard to assault, which is appearing very much general and omnibus and also by taking note of the nature of injuries, which is available on the non-vital part of the body of the informant is not sufficient to cause death in the ordinary course of nature, accordingly all the petitioners above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, is 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, Madhubani/concerned Court below where the case is pending in connection with Jainagar P.S. Case



No.203 of 2022 subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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