

IN THE HIGH COURT of JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8801 of 2024

Arising Out of PS. Case No.-140 Year-2023 Thana- BELDOUR District- Khagaria

1. Pankaj Yadav Son of Late Biso Yadav R/O-Pirnagra, P.S.-Beldaur, Distt.-Khagaria
2. Parmod Yadav Son of Late Biso Yadav R/O-Pirnagra, P.S.-Beldaur, Distt.-Khagaria
3. Deepak Kumar Yadav Son of Pankaj Yadav R/O-Pirnagra, P.S.-Beldaur, Distt.-Khagaria
4. Sonu Kumar Son of Pankaj Yadav R/O-Pirnagra, P.S.-Beldaur, Distt.-Khagaria
5. Manish Kumar Son of Pramod Yadav R/O-Pirnagra, P.S.-Beldaur, Distt.-Khagaria
6. Manjesh Kumar Son of Parmod Yadav R/O-Pirnagra, P.S.-Beldaur, Distt.-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Budhilal Yadav, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 20-02-2024 1. Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.
2. The accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Beldaur P.S. Case No. 140 of 2023, registered for the offences punishable under Sections 341, 447, 307, 354, 379, 504, 506, 34 the Indian Penal Code and Section 27 of the Arms Act.



3. The allegation against above named petitioners is to assault informant and others and also to open fire during the occurrence, where assault alleged to be caused by iron rod causing head and bodily injuries, having intention to cause death of injured and others.

4. Learned counsel appearing on behalf of the petitioners submitted that occurrence is free fight in nature, where both parties received injuries and for the said set of occurrence, a case was also lodged by petitioners' side, which has been registered as Beldaur P.S. Case No. 139 of 2023. It is further submitted that as occurrence is free fight in nature, it can be gathered safely that petitioners were not under intention to cause death and moreover, injury as alleged to be caused by petitioners' side to husband of informant is appearing simple in nature, which *prima facie* does not attract the case under Section 307 of the Indian Penal Code. It is submitted that occurrence arises out of land dispute. While concluding the argument, it is submitted that the nature of allegation as regard to assault is appearing very much general and omnibus, where allegation of firing is apparently not made with intention to cause death as per narration of F.I.R., itself.

5. Learned APP opposes the prayer of bail.



6. Considering the aforesaid facts and circumstances and by taking note of nature of allegation *qua* assault, which is appearing general and omnibus against petitioners, where firing not appears to be made with intention to cause death, as per narration of F.I.R. itself, accordingly, all above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, 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 Judicial Magistrate, 1st Class, Khagaria/concerned Court, where the case is pending in connection with Beldaur P.S. Case No. 140 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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