

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14934 of 2024

Arising Out of PS. Case No.-330 Year-2021 Thana- BARHARA District- Bhojpur

1. TETAR SINGH @ MANORANJAN SINGH S/O LATE JULUM SINGH
R/O VILLAGE- EKAUNA, P.S- BARAHARA, DISTT.- BHOJPUR.
2. AMIT KUMAR SINGH S/O AWADH BIHARI SINGH R/O VILLAGE-
EKAUNA, P.S- BARAHARA, DISTT.- BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Singh, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 12-03-2024 **1.** Heard learned counsel appearing on behalf
- of the petitioners and learned Additional Public
- Prosecutor appearing on behalf of the State.
- 2.** Both accused/petitioners are named in the
- F.I.R. and apprehending their arrest in connection with
- Barahara P.S. Case No. 330 of 2021 registered for the
- offences punishable under Sections 341, 323, 324, 307,
- 379, 427, 504 and 34 of the Indian Penal Code.



3. The allegation against the petitioners is to assault informant alongwith other co-accused persons/family members by means of *dabiya* and iron rod causing head and other bodily injuries, having intention to cause death, where occurrence arises out of drainage issues, which is alleged to be closed by informant side.

4. Learned counsel appearing on behalf of the petitioners submitted that both petitioners are falsely implicated with the present case due to dispute in connection with "drain". It is submitted that allegation against petitioner no. 1 is to cause injury on hand, which is non-vital part of the body, which upon examination found simple, whereas allegation against petitioner no. 2 is to assault on head of the informant, which upon medical examination also found simple in nature. It is further submitted that both petitioners alleged to cause single assault without having any intervening circumstances, where nature of injury appears simple,



which is sufficient to suggest that petitioners were not under intention to cause death, which is prime consideration to make out a case under Section 307 of the IPC. While concluding the argument it is submitted that petitioners are men of clean antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact as injuries appear simple in nature, where assault as alleged was single without having any intervening circumstances, *prima facie*, negating intention to cause death, accordingly both petitioners above named, in the event of their arrest or surrender before the learned Court 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 Chief Judicial Magistrate, Ara/concerned Court where the case



is pending in connection with Barahara P.S. Case No.
330 of 2021 subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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