

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15245 of 2024

Arising Out of PS. Case No.-305 Year-2023 Thana- NEMDARGANJ District- Nawada

1. Vikash Kumar Son of Arjun Yadav Resident of Vill.-Mastanganj, P.S.-Nemdarganj, Distt.-Nawada.
2. Soukhi Prasad @ Saukhi Yadav Son of Late Visho Yadav Resident of Vill.-Mastanganj, P.S.-Nemdarganj, Distt.-Nawada.
3. Rohit Kumar Son of Kishori Yadav Resident of Vill.-Nandlal Bigha P.S.-Nemdarganj, Distt.-Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2024 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 Nemdarganj P.S. Case No. 305 of 2023, registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

3. The allegation against above named petitioners is to fight with nearby residence/co-villagers



to establish local influence alongwith 19 named and 10-15 unknown accused persons, where a person found injured, namely, Ashok Yadav. Informant of this case is local Chaukidar.

4. Learned counsel appearing on behalf of the petitioners submitted that narration of FIR itself suggest that this is a case of free fight, where both parties received injuries. It is submitted that allegation qua physical assault is appearing very much general and omnibus. It is further submitted that both parties received injuries during the occurrence, where informant being local chaukidar found one Ashok Yadav as injured, where upon medical examination, his injury was found simple in nature and from the fact of this case as made available through FIR, it cannot be said that petitioners were under intention to cause death of injured, which is prime consideration to make out a case for offence under Section 307 of the Indian Penal Code.

5. Learned APP opposes the prayer of bail.



6. Considering the aforesaid facts and circumstances and by taking note of fact, as allegation *qua* physical assault is appearing very much general and omnibus against petitioners, where narration of FIR itself suggest that the occurrence is free fight in nature, 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, Nawada/concerned Court, where the case is pending in connection with Nemdarganj P.S. Case No. 305 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

veena/-

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

