

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41127 of 2024

Arising Out of PS. Case No.-496 Year-2023 Thana- ATRI District- Gaya

1. Rajesh Das Son Of Dev Nandan Das @ Devnandan Das Village- Pali, Ps- Atri, Dist- Gaya
2. Shiya Sharan Das @ Shiyasharan Das Son Of Late Nakhial Das @ Nakhid Das Village- Pali, Ps- Atri, Dist- Gaya
3. Sarju Das Son Of Late Sohrai Das Village- Pali, Ps- Atri, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel appearing on behalf of

the parties.

2. The petitioners seeks bail in connection with

Atri P.S. Case No. 496 of 2023 registered for the

offence under Sections 147, 149, 341, 323, 307 and

504 of the I.P.C.

3. The petitioners are named in the F.I.R. and

they are in custody since 21.01.2024.

4. The allegation against the petitioners is to

assault the informant and others by using rod, *Khanti*



etc. causing bodily injuries, having intention to cause death, where the occurrence is alleged to be arising out of land dispute.

5. Learned counsel appearing on behalf of the petitioners submitted that the occurrence is free fight in nature, where both parties received injuries and for said set of occurrence, a separate police case was lodged by the petitioners prior to lodging this case which was registered as Atri P.S. Case No. 489 of 2023. It is submitted that as the occurrence is free fight in nature, therefore, it can be said safely that the petitioners were not under intention to cause death of injured/informant, who received simple injuries during the course of occurrence. While concluding the argument, it is submitted that all petitioners have clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.



7. In view of the aforesaid facts and submissions and by taking note of the fact that the occurrence was prima-facie free fight in nature, where informant/injured received simple injuries, coupled with fact that charge-sheet has already been submitted, accordingly, all above named three petitioners, above named, are directed to be released on bail in connection with Atri P.S. Case No. 496 of 2023 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 C.J.M. Gaya, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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