

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41027 of 2024

Arising Out of PS. Case No.-155 Year-2024 Thana- PANCHRUKHI District- Siwan

1. Mahesh Chaudhary @ Mahesh Yadav S/o- Ramayan Chaudhary @ Ramayan Yadav Village- Harpur, P.S. Pachrukhi, District- Siwan.
2. Pappu Kumar Yadav @ Pappu Yadav son of Mahesh Chaudhary @ Mahesh Yadav Village- Harpur, P.S. Pachrukhi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-06-2024

1. Heard learned counsel appearing on behalf

of the petitioners and learned APP appearing on behalf

of the State.

2. The petitioners seek bail in connection with

Pachrukhi P.S. Case No. 155 of 2024 registered for the

offence under Sections 341, 323, 325, 354, 379, 504,

506/34 of the Indian Penal Code and Section 37 of the

Bihar Liquor Prohibition and Excise Act, 2022.

3. The both accused/petitioners are named in

the F.I.R. and are in custody since 30.04.2024.

4. The allegation against petitioners is to

assault informant, causing bodily injuries and also



outraged her modesty during the course of occurrence, where occurrence is alleged to be arises out of payment of Rs. 2500/-, against which certain goods were taken by petitioners on credit from the shop running by informant.

5. Learned counsel appearing on behalf of the petitioners submitted that due to certain monetary issues, the present occurrence took place, where the occurrence was free fight in nature, for which a counter case was also lodged by petitioner's side, which was registered as Pachrukhi P.S. Case No. 156/2024. It is submitted that allegation of physical assault is not available against petitioners as per face of perusal of FIR, where allegation is only to torn the *blouse* of informant by both petitioners, who are father and son. It is submitted that as occurrence is free fight in nature, therefore, any such intention not appears available *prima facie* as to outrage the modesty of informant. While concluding the argument, it is submitted that



petitioner no. 1 found involved in one more criminal case, where he is on bail, whereas petitioner no. 2 is a man of clean antecedent.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of fact as occurrence is of free fight in nature, negating *prima facie* intention to outrage the modesty, accordingly, both petitioners above named, are directed to be released on bail in connection with Pachrukhi P.S. Case No. 155 of 2024 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 Exclusive Special Excise Court No. 1, Siwan/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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