

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71481 of 2023

Arising Out of PS. Case No.-213 Year-2023 Thana- KATEYA District- Gopalganj

1. Indradev Singh @ Indradeo Singh @ Indradeo Kushwaha, Son of Raja Ram Singh @ Rajaram Singh, R/o vill - Chautarwa @ Chowtarawa @ Choutarwa, P.S. - Kateya, Distt. - Gopalganj
2. Akaliya Devi @ Akalea Devi, Wife of Raja Ram Singh @ Rajaram Singh, R/o vill - Chautarwa @ Chowtarawa @ Choutarwa, P.S. - Kateya, Distt. - Gopalganj

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Setu Prateek, Advocate
For the Opposite Party/s :	Mr.Satyendra Narayan Singh, APP
	Mr.Uday Pratap Singh, Advocate
	Mr.Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 29-02-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. Both accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Kateya P.S. Case No. 213 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 302, 354-B and 504 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

3. Allegation against the petitioners is to assault the informant and others by using lathi, iron rod, spade etc. where during occurrence one Marachiya Devi died due to injury received thereof.



4. Learned counsel appearing on behalf of the petitioners submitted that the occurrence is of free-fight in nature for which petitioners have also lodged a case against the informant which has been registered as Kateya P.S. Case No. 233/2023. It is submitted that during the occurrence both sides have received injuries. Learned counsel further pointed out that allegation against the petitioners is specific as to assault Sunaina Devi by means of iron rod, where the doctor, after medical examination, found injury as lacerated and simple in nature. It is submitted that alleged assault is also not appearing repeated without having any intervening circumstances. While concluding argument, learned counsel submits that taking note of the totality of facts as the occurrence is of free-fight in nature, nature of injury etc., it can be safely gathered that petitioners were not under intention to cause death to injured Sunaina Devi, which is a prime consideration to find out a case *prima-facie* under Section 307 of the I.P.C. Petitioners are the men of clean antecedent.

5. Learned A.P.P. for the State duly assisted by learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioners.

6. In view of the aforesaid factual submissions and by



taking note of the nature of injury where assault not appearing repeated without having any intervening circumstances, accordingly, both above-named petitioners, in the event of their arrest/surrender within a period of four weeks from today, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S. Case No. 213 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

Rajeev/-

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

