

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71215 of 2023

Arising Out of PS. Case No.-180 Year-2023 Thana- KUDHNI District- Muzaffarpur

1. PINKU KUMAR SON OF LAXMI NARAYAN SINGH R/O VILLAGE- JAGDISH KAMTAUL, P.S.- KURHANI (KUDHANI), DISTRICT- MUZAFFARPUR
2. LAXMI NARAYAN SINGH SON OF LATE ASHARFI SINGH R/O VILLAGE- JAGDISH KAMTAUL, P.S.- KURHANI (KUDHANI), DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-02-2024 1. Heard learned counsel appearing on behalf of the petitioner 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 Kurhani (Kudhani) P.S. Case No. 180 of 2023 registered for the offences punishable under Sections 341, 323, 324, 379, 307, 504 and 506/34 of the Indian Penal Code.

3. The allegation against both the petitioners is to assault mentally challenged younger brother of informant by means of *lathi*, sword, butt of pistol etc., during the course of occurrence alongwith other co-accused persons having intention



to cause death, where occurrence arises out of pending litigation.

4. Learned counsel appearing on behalf of the petitioners submitted that thrust of allegation is available against Sujal Kumar, who alleged to assault brother of informant by means of sword causing cut injury. Allegation against petitioner no. 1 is to assault with butt of pistol, which is sufficient to negate the intention to cause death, which is a prime consideration to attract offence punishable under Section 307 of the IPC. It is also submitted that allegation of assault not appears available against petitioner no. 2 rather to snatch golden chain cost of Rs. 75,000/- from the neck of the informant during the occurrence.

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 thrust of allegation against petitioner no. 1 is to assault with butt of pistol negating, *prima facie*, intention to cause death, where allegation of assault not appears available against petitioner no. 2, accordingly both above named petitioners, in the event of their arrest or surrender before the learned Court below 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 Additional Chief Judicial Magistrate-1st, Muzaffarpur West, Muzaffarpur/concerned Court below where the case is pending in connection with Kurhani (Kudhani) P.S. Case No. 180 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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