

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81420 of 2024

Arising Out of PS. Case No.-169 Year-2024 Thana- KESARIA District- East Champaran

1. Santosh Singh Son of Sumeshwar Singh @ Someshwar Singh Resident of Village - Darmiya, P.S. - Kesariya, District - East Champaran.
2. Mukti Narayan Singh @ Mukinarayan Singh Son of Shivdhar Singh Resident of Village - Darmiya, P.S. - Kesariya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 28-03-2025 1. Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.
2. The both accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Kesariya P.S. Case No. 169 of 2024, registered for the offences punishable under Sections 341, 323, 324, 307, 354, 379, 504, 34 of the Indian Penal Code.
3. The allegation against both above named petitioners is to assault informant and other persons by using sharp-edged cut weapon like *farsa*, during the course of occurrence with intention to cause their death. Alleged occurrence said to be taken place in



the background of land dispute.

4. Learned counsel appearing on behalf of the petitioners submitted that occurrence took place in the background of land dispute, which was free fight in nature, where both parties received injuries. It is submitted that for the same set of occurrence petitioner's side also lodged a case against informant and others, which was registered as Kesariya P.S. Case No. 168/2024 dated 02.06.2024. It is submitted that the petitioner no. 2 is the order giver and upon his instigation petitioner no. 1 alleged to be assault on the head of the informant, causing head injury. It is submitted that upon perusal of injury report, it appears that same was caused by hard and blunt substance and found simple in nature. In view of same, it is submitted that nature of injury not appears to be caused *prima facie* corroborating with the nature of weapon as alleged to be used during the occurrence, which is sharp-edged cut weapon. It is submitted that the alleged assault also not appears repeated and, moreover the occurrence was free fight in nature, disputing the intention *prima facie qua* death of injured, out of alleged assault. While concluding the argument, it is submitted that both petitioners are of clean antecedents.

5. Learned APP opposed the prayer of bail.



6. Considering the aforesaid facts and circumstances as the occurrence *prima facie* appears free fight in nature, where both parties received injuries and *prima facie* the nature of injury, which found simple upon medical examination not appears *prima facie* corroborating *qua* nature of weapon as alleged to be used by petitioner no. 1 during the course of occurrence, accordingly, both 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 East Champaran, Motihari/concerned Court, where the case is pending in connection with Kesariya P.S. Case No. 169 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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