

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.69699 of 2022**

Arising Out of PS. Case No.-337 Year-2022 Thana- BARAUNI District- Begusarai

=====

BINOD KUMAR @ KARI SON OF DINESH SINGH R/V HARPUR, P.S.-  
BARAUNI (BARAUNI REFINERY O.P.), DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with  
**CRIMINAL MISCELLANEOUS No. 69358 of 2022**

Arising Out of PS. Case No.-337 Year-2022 Thana- BARAUNI District- Begusarai

=====

SONU KUMAR Son of Late Abhinandan Singh R/v- Harpur, P.S.- Barauni  
(Refiner), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 69699 of 2022)

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate
	:	Mr.Pushpendra Kumar Singh, Advocate
	:	Mrs. Divya Bharti, Advocate
For the Opposite Party/s :	:	Mr.Amit Kumar Rakesh, APP

(In CRIMINAL MISCELLANEOUS No. 69358 of 2022)

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate
	:	Mr.Pushpendra Kumar Singh, Advocate
	:	Mrs. Divya Bharti, Advocate
For the Opposite Party/s :	:	Mr.Raj Ballabh Singh, APP

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      24-12-2022

**(In Cr. Misc. No. 69699 of 2022)**

Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period



of four weeks from today.

The petitioner seeks bail in connection with Barauni (Refinery O.P.) P.S. Case No. 337 of 2022 registered for the offence under Section 147, 341, 323, 447, 307, 354, 379 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 23.08.2022.

The allegation against the petitioner is to assault informant and others, while equipped with iron *rod*, *lathi* etc. to cause such bodily injuries, suggesting intention to cause their death and further alleged to run away from the place of occurrence by making fire in air.

Learned counsel appearing on behalf of the petitioner submitted that the present occurrence is of free fight in nature, where both parties received injuries and as occurrence is of free fight in nature, it cannot be said that petitioner was under intention to cause death of informant and others. It is further submitted that for the same set of occurrence, petitioner's side also lodged a police case, which has been registered as Barauni P.S. Case. No. 338 of 2022. It is also submitted that allegation as regard to assault is very much general and omnibus and in want of X-ray report the final opinion as regard to injuries is



still awaited. It is also submitted that petitioner found involved in 3 more criminal cases, where he is on bail. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation as regard to assault is very much general and omnibus against petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Barauni (Refinery O.P.) P.S. Case No. 337 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**(In Cr. Misc. No. 69358 of 2022)**

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.



The petitioner seeks bail in connection with Barauni (Refinery O.P.) P.S. Case No. 337 of 2022 registered for the offence under Section 147, 341, 323, 447, 307, 354, 379 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 16.08.2022.

The allegation against the petitioner is to assault informant and others, while equipped with iron rod, lathi etc. to cause such bodily injuries suggesting intention to cause their death and further alleged to run away from the place of occurrence by making fire in air.

Learned counsel appearing on behalf of the petitioner submitted that the present occurrence is of free fight in nature, where both parties received injuries and as occurrence is of free fight in nature, it cannot be said that petitioner was under intention to cause death of informant and others. It is further submitted that for the same set of occurrence, petitioner's side also lodged a police case, which has been registered as Barauni P.S. Case. No. 338 of 2022. It is also submitted that allegation as regard to assault is very much general and omnibus and in want of X-ray report the final opinion as regard to injuries is still awaited. It is also submitted that petitioner found involved



in 3 more criminal cases, where he is on bail. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation as regard to assault is very much general and omnibus against petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Barauni (Refinery O.P.) P.S. Case No. 337 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

Archana/-

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

