

01-11-2022

1- Heard Sri M.K.Tiwary, learned counsel on the bail petition filed on behalf of the petitioners Ajay Sao, 2. Anil Sao, 3. Kedar Sao, 4. Mukesh Sao @ Pintu and 5. Mukesh Sao, who are lying in judicial custody since 26-09-2022 in connection with Chainpur P.S.Case No. 217/2022 u/ss 147, 148, 341, 323, 324, 325, 326, 307, 504, I.P.C., which is opposed by the learned P.P. for the State.

2- It is submitted that the petitioners are innocent, have committed no offence and have been falsely implicated in connection with this case. It is submitted further that save and except section 307, 326, I.P.C., other offences alleged are bailable in nature. It is submitted further that except one injury, i.e. greenstick fracture of right radius bone of injured Shakuntala Devi, which has been opined to be grievous in nature, while injuries in respect of two of the injured have been opined to be simple in nature, there is no application of section 307 and 326, I.P.C. in connection with this case. It is submitted further that there is general allegation of assault, which is not specific against any of the accused persons much less the petitioners. It is submitted further that petitioners do not have any criminal antecedent, who are unnecessarily languishing in custody since 26-09-2022 in connection with this false case, prayed for grant of bail.

3- Learned P.P. opposed the prayer.

4- Perused the record. As per allegation on 25-09-2022 at about 3.30 p.m. females of the informant, as also that of co-

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accused Rachandra Sao were engaged in quarrel to each other and when the informant went to pacify the matter, it is alleged that accused persons including the petitioners variously armed with lathi-danda, axe, gandasa came hurling abuse and started assaulting family members of the informant. It is alleged further that co-accused Ravichandra Sao and Anil Sao in order to kill the informant started assaulting him with lathi causing head injury to him. It is alleged further that in course of assault wife of the informant namely Shakuntala Devi sustained injury of fracture of her hand, Rupwanti Devi sustained head injury by the blow of axe, co-accused Jitendra Sao is alleged to have shot fire from air gun causing injury on the neck of the nephew of the informant namely Rakesh Kumar. It is alleged further that other family members of the informant also sustained injury, who came to pacify the matter. With the above assertion informant submitted his written report leading to institution of the instant case.

5- Case diary contains three injury reports; Injury report of the injured Shakuntala Devi shows her to have sustained greenstick fracture of right radius bone, which have been opined to be grievous in nature, while injury report informant and his nephew Rakesh Kumar showed them to have sustained simple injuries. Petitioners are in judicial custody since 26-09-2022,i.e. more than a month.

6- Considering all the above facts and circumstances of the case, especially the period of detention of the petitioners, the

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petitioners are directed to be enlarged on bail on their furnishing separate bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Palamau in connection with above-referred case.(Dictated)

(Pradip Kumar Choubey),
Sessions Judge, Palamau.