

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8652 of 2022

Arising Out of PS. Case No.-215 Year-2020 Thana- GARKHA District- Saran

Chandan Singh @ Chandan Kumar Singh Son of Krishna Singh Resident of
Village - Ferusa, P.s.- Garkha, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shruti Sinha, Advocate
For the State : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Garkha
P.S. Case No. 215 of 2020 registered for the offence under
Sections 147, 148, 149, 341, 323, 307, 379, 504 and 506 of the
Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.11.2021.

The allegation against the petitioner is to stab
informant and his mother through knife, causing bodily injury,
having intention to cause their death, due to neighbourhood
disputes and differences arises over drainage issue.



Learned counsel appearing on behalf of the petitioner submitted that the present occurrence is a free fight for which a case from petitioner's side was also lodged, which has been registered as Garkha P.S. Case No. 236 of 2020. It is submitted that both the parties received injuries in the present occurrence and being a free fight, it can be safely gathered that petitioner was not under intention to cause death. It is submitted that the prime consideration is intention and not the nature of injury, while dealing offence/allegation u/s 307 of the Indian Penal Code and as injury inflicted is only one without having any intervening circumstances, it can be said safely that petitioner was not under intention to cause death of the injured. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as the injury inflicted is not repeated without having any intervening circumstances, negating intention to cause death, on its face, coupled with the fact that chargesheet has already been



submitted, let the petitioner, above named, is directed to be released on bail in connection with Garkha P.S. Case No. 215 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Chapra, Saran/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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