

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10949 of 2022**

Arising Out of PS. Case No.-50 Year-2021 Thana- MADHAURAH District- Saran

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NAGENDRA RAI @ NAGENDRA PRASAD YADAV S/o Late Khalifa Rai
R/o village- Hasanpura, P.S.- Marhowrah, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Ram Anurag Singh

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

3 26-07-2022 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
Marhowrah P.S. Case No. 50 of 2021 registered for the offence
under Sections 147, 149, 342, 354, 323, 324, 307, 379 and 506
of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.01.2022.

The allegation against the petitioner is to assault
informant/injured and other family members along with other
co-accused persons, equipped with deadly weapons like *lathi*,
rod, etc., with intention to cause death, in the background of



land dispute.

Learned counsel appearing on behalf of the petitioner submitted that the occurrence is nothing, but a free fight, for which, prior to this occurrence a case was lodged by the petitioner, where both the parties received injuries. It has further been submitted that as per injury report, the nature of injury as received by the injured, due to assault by the petitioner, is single and simple in nature, negating intention to cause death. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that a case as regard to presents occurrence is also lodged by the petitioner against the informant and others.

Considering the facts and circumstances as mentioned above, as occurrence is nothing but free fight, where, injury received by the injured due to assault caused by the petitioner, is single and simple, negating intention coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection



with Marhowrah P.S. Case No. 50 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Chapra, Saran, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Munna Kumar, who is the son of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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