

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12141 of 2022

Arising Out of PS. Case No.-43 Year-2021 Thana- BISFI District- Madhubani

Lakhindra Yadav @ Raja Yadav Son of Ram Sagar Yadav Resident of Village
- Bisfi (Dih Tola), P.s.- Bisfi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 12-07-2022 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 Bisfi P.S.
Case No. 43 of 2021 registered for the offence under Sections
341, 323, 324, 307, 354, 379, 504 and 34 of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.10.2021.

The allegation against the petitioner is to assault the
informant and his nephew with *khanti*, *rod* etc. along with other
co-accused persons with intention to cause death and the present



dispute is founded over land disputes, between the parties.

Learned counsel appearing on behalf of the petitioner submitted that the occurrence is nothing, but free fight, where, case and counter case has been lodged and both the parties have received injuries. It has further been submitted that the circumstances of the case clearly speaks that the petitioner was not under intention, to cause death of the injured. It has further been submitted that the petitioner and his family members also received injuries in the present occurrence and importantly the informant himself was aggressor, as per F.I.R. It has further been submitted that prime consideration is intention and not the nature of injury to made out the case under Section 307 of the I.P.C. While concluding the argument, it has been submitted that the petitioner is a man of clean antecedent, moreover, investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that allegation of assault against petitioner is to cause grievous injury.

Considering the facts and circumstances as mentioned above, as the occurrence was free fight, where both parties



received injury, negating intention to cause death on its face, let the petitioner, above named, is directed to be released on bail in connection with Bisfi P.S. Case No. 43 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 Additional Chief Judicial Magistrate, Ist, Benipatti (Madhubani), 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 Santosh Yadav, who is the Cousin (brother) of the petitioner and deponent of the present bail petition.”

(Chandra Prakash Singh, J)

S.Katyayan/
R.S.Sen/-

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