

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23793 of 2022**

Arising Out of PS. Case No.-81 Year-2020 Thana- BARHAT District- Jamui

MANOJ YADAV Son of Ramdhani Yadav Resident of Village - Banjhipyar,  
P.S.- Barhat, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Umesh Prasad, Advocate

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

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

2      26-08-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned counsel appearing on behalf of the State  
  
through virtual Court proceedings.

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

The petitioner seeks bail in connection with Barhat  
P.S. Case No. 81 of 2020 registered for the offence under  
Sections 341, 323, 307, 354, 504, 506 of the I.P.C.

The accused/petitioner is named in the F.I.R. and is in  
custody since 05.03.2022.

The allegation against the petitioner is to assault  
informant along with other co-accused persons by giving axe  
blow, with intention to cause death.

Learned counsel appearing on behalf of the petitioner



submitted that the occurrence is nothing but a free fight between the parties for previous longstanding land disputes, where both parties received grievous injury, negating thereof, any intention to cause death. It is further submitted that the petitioner also lodged a counter version of the occurrence which has been registered as Barhat P.S. Case No. 81 of 2020. It is further submitted that alleged blow of axe is not repeated without any intervening circumstances, which also negate intention to cause death. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that petitioner was under knowledge that his act might cause death of the injured/informant.

Considering the facts and circumstances as mentioned above, as occurrence is free fight where assault was not repeated without having any intervening circumstances, negating intention thereof in the backdrop of land dispute 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 Barhat P.S. Case No. 81 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 the Court of Sri M.K. Pandey, the learned Judicial Magistrate, 1<sup>st</sup> class, Jamui/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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