

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36751 of 2022**

Arising Out of PS. Case No.-394 Year-2019 Thana- BARAULI District- Gopalganj

Suraj Kumar @ Laloo Kumar Son of Anant Mahto R/O Village-
Pacharukhiya, P.S.- Barauli, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kant, Advocate

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

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

2 16-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP 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 Barauli
P.S. Case No. 394 of 2019 registered for the offence under
Sections 341, 447, 323, 324, 307, 354, 379, 302 and 34 of the
Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.04.2022.

The allegation against the petitioner is to commit
murder of father of the informant and also to assault the
informant and other family members with deadly weapons,



causing injury, having intention to cause death, alongwith other co-accused persons for previous long standing land dispute.

Learned counsel appearing on behalf of the petitioner submitted that the occurrence is nothing but a free fight, where both the parties received injuries, for which a case prior to this case was lodged by the petitioner's side as Barauli P.S. Case No. 393 of 2019. It is submitted that as the occurrence is a free fight in nature founded over land dispute, it cannot be said that petitioner was under intention to cause death. It is submitted that specific allegation to give fatal assault is against co-accused, namely, Laxman Mahto. It is pointed out that injury report, which is showing two sharp cut injuries, negate the manner of assault, as alleged to be caused by hard and blunt substance like iron rod. It is further submitted that alleged assault is single, without having any intervening circumstances, which further negate the intention. 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, while opposing the prayer of bail, fairly conceded the fact that



allegation of fatal assault is against co-accused, namely, Laxman Mahto.

In view of the facts and circumstances, as mentioned above, as allegation of fatal assault is not against this petitioner, rather same is against co-accused, namely, Laxman Mahto, where the occurrence is a free fight 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 Barauli P.S. Case No. 394 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Gopalganj/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

