

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38633 of 2022**

Arising Out of PS. Case No.-297 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

Sanjay Paswan S/O Lt. Shyam Narayan Paswan R/O Village- Hasanpura,
P.S.- Kudra, District- Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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

2 23-09-2022 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 Kudra
P.S. Case No. 297 of 2020 registered for the offence under
Sections 341, 323, 324, 307, 379 and 34 of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.04.2022.

The allegation against the petitioner is to assault the
informant and his family members, causing bodily injuries
having intention to cause death, equipped with lathi, rod, spade



and sword etc., for longstanding land dispute.

Learned counsel appearing on behalf of the petitioner submitted that occurrence is free fight in nature and, as such, it cannot be gathered that petitioner was under intention to cause death. It is submitted that prime considerations for offence, as alleged, under Section 307 of the I.P.C., is “intention to cause death” not the nature of injury. It is further submitted that the nature of injuries, which were found upon informant after medical examination, is lacerated, where allegation against this petitioner is to make a single blow with sharp cut with weapon as ‘Farsa’, falsifying the entire allegation against this petitioner. 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, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that informant received two (2) injuries over his head, which is lacerated and found grievous in nature.

Considering the facts and circumstances as mentioned above, as nature of injuries, which were found upon informant,



are not appearing, in corroboration with, in nature of weapon, as alleged, to cause assault, where occurrence is a free fight, negating intention to cause death 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 Kudra P.S. Case No. 297 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 A.C.J.M.-VI, Kaimur at Bhabua/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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