

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38794 of 2022

Arising Out of PS. Case No.-75 Year-2022 Thana- JANKINAGAR District- Purnia

Devsharan Yadav @ Dev Sharan Kumar @ Deosharan Yadav Son of Rama Nand Yadav Resident of Village - Naulakhi Milik Tola, Ward no. 10, Police Station- Janki Nagar, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr.Shyameshwar 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 Janki Nagar P.S. Case No. 75 of 2022 registered for the offence under Sections 341, 323, 324, 325, 307, 506 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 03.04.2022.

The allegation against the petitioner is to assault the informant and his family members, causing bodily injuries with



intention to cause death, where assault was made by spade, along with other co-accused persons, in the background of longstanding land dispute.

Learned counsel appearing on behalf of the petitioner submitted that occurrence is nothing but a free fight, which is founded over land dispute, where both parties received injuries and as such it cannot be said that petitioner was under intention to cause death, as alleged. It is further submitted that for the same set of occurrence, a counter case was also lodged by petitioner's side. It is also submitted that from perusal of the FIR, it appears that allegation against this petitioner to make assault is not specific rather it appears very much general and omnibus, along with other co-accused person. While concluding the argument, it is submitted that 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 opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as occurrence appears to be free fight, in the background of land dispute, negating intention to cause death, on its face 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 Janki Nagar P.S. Case No. 75 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea/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/-

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

