

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39292 of 2022

Arising Out of PS. Case No.-101 Year-2022 Thana- BENIPATTI District- Madhubani

Purandev Sahani @ Purn Dev Sahani S/O Prabodh Sahani Resident of
Village- Pali Utarwari Tol, P.S.- Benipatti, District- Madhubani, Pin Code-
847223 (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Narayan Mishra, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-10-2022 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 Benipatti

P.S. Case No. 101 of 2022 registered for the offence under

Sections 448, 341, 323, 504, 307, 379, 354 and 34

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

custody since 05.05.2022.

The allegation against the petitioner is to make assault

to father of the informant by using 'Farsa', causing head injury,

having intention to cause death due to land dispute.



Learned counsel appearing on behalf of the petitioner submitted that occurrence is free fight in nature and, as such, it can be said safely that petitioner was not intended to cause death. It is also pointed out that alleged assault was single, not repeated without any intervening circumstances, negating intention to cause death. It is further pointed out that nature of injury is simple, which appears in contradiction with the manner of weapon alleged to cause assault, as same appears a sharp cut weapon, which may caused incised injury by all probabilities. 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 opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as occurrence is free fight, where nature of injuries is simple 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 Benipatti P.S. Case No. 101 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 Additional Chief Judicial Magistrate-I,



Benipatti, Madhubani/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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