

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40742 of 2022

Arising Out of PS. Case No.-120 Year-2022 Thana- MAJHAULIA District- West Champaran

Saheb Ray @ Saheb Mian S/o Late Ganni Rai Resident of Village- Nautan
Khurd, Ward No.3, P.S.- Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhurendra Kumar, Advocate
For the State	:	Dr. Indivar Kumari, APP
For the Informant	:	Mr. Umesh Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

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

The petitioner seeks bail in connection with
Majhauria P.S. Case No. 120 of 2022 registered for the offence
under Sections 341, 323, 324, 354(B), 379, 307, 504 and 34 of
the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.03.2022.

The allegation against the petitioner is to assault the
informant and others, while equipped with lathi, farsa etc., and
to cause bodily injury, having intention to cause their death.



Learned counsel appearing on behalf of the petitioner submitted that the present occurrence is nothing but a free fight, where both the parties received injuries, where occurrence is founded over neighbourhood dispute and differences. It is further submitted that a case of petitioner was earlier lodged regarding the same occurrence, which has been registered as Majhauriya P.S. Case No. 116 of 2022. It is further pointed out that injury received by the injured was caused due to hard and blunt substance, as per injury report, whereas it is specifically alleged that petitioner was equipped with farsa, which may, by all probability, cause incised wound, creating a serious doubt over entire allegation. While concluding the argument, it is submitted that the nature of injury is simple 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 duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the fact that the nature of injury is simple.

In view of the facts and circumstances, as mentioned above, as the occurrence is a free fight in the background of nature of injury 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 Majhauriya P.S. Case No. 120 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, Bettiah, West Champaran/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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