

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44169 of 2022**

Arising Out of PS. Case No.-123 Year-2022 Thana- NARPATGANJ District- Araria

Sudhir Yadav Son of Ramanand Yadav Resident of village - Khaira Chanda
Ward No.- 01, P.S.- Narpatganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

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

2 25-11-2022 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

Narpatganj P.S. Case No. 123 of 2022 registered for the offence

under Section 341, 323, 324, 325, 307, 379, 506, 504 of the

Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.05.2022.

The allegation against the petitioner is to assault

informant and his grandson by sword causing grievous injury,

having intention to cause their death for longstanding land



dispute.

Learned counsel appearing on behalf of the petitioner submitted that allegation is appearing apparently false on its face as the nature of injury what appears on the body of injured as alleged to be caused by this petitioner is lacerated, which is not appearing possible to be caused by sharp edged weapon as alleged. It is also submitted that the occurrence is free fight, where both parties received injury and for the same set of occurrence the petitioner's side also lodged a case, which has been registered as Narpatganj P.S. Case No. 124 of 2022. It is also submitted that the assault made to the son and informant as alleged was single without having any intervening circumstances and as such it can be safely gathered that petitioner was not under intention to cause their death. While concluding the argument, it has been submitted that investigation of this case is complete, where 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 assault was made single without having any intervening circumstances 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 Narpatganj P.S. Case No. 123 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, Araria/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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

