

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46883 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- SRINAGAR District- West Champaran

SARAL YADAV SON OF SH. MOHAN YADAV R/O VILLAGE- KOHARA
BHAWANIPUR, P.S.- SRINAGAR, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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 Srinagar
P.S. Case No. 46 of 2022 registered for the offence under
Sections 341, 323, 324, 307, 504 and 506 read with Section 34
of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.04.2022.

The allegation against the petitioner is to assault the
informant and others, while equipped with '*Barachhi*', causing
such bodily injuries suggesting intention to cause death.

Learned counsel appearing on behalf of the petitioner



submitted that the occurrence is free fight in nature, where, both the parties have received injuries and for the same set of occurrence an FIR was registered from the side of this petitioner as Srinagar P.S. Case No. 48 of 2022. It is also pointed out that initially petitioner was not equipped with any weapon, later on he snatched 'Barachhi' from the hand of co-accused, namely, Dinesh Yadav, against whom, after investigation, police has submitted final form, for the reason that he was not available at the place of occurrence, making allegation entirely false against this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and investigation of this case has been completed, for which, charge-sheet has already 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 is free fight in nature, where, both the parties were received injuries, negating intention to cause death, where, petitioner is in custody since 16.04.2022 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 Srinagar P.S. Case No. 46 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 C.J.M., Bettiah, West Champaran/concerned court,
subject to the condition as mentioned under Section 437(3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

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