

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68526 of 2021

Arising Out of PS. Case No.-182 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

Arjun Prasad Son of Manshi Prasad @ Munshi Prasad Resident of Village -
Bistaul, P.S.- Baikunthpur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Prasad, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-07-2022 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
Baikunthpur P.S. Case No. 182 of 2021 registered for the
offence under Sections 341, 323, 354, 504, 506, 307 and 34 of
the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.09.2021.

The allegation against the petitioner is to assault the
injured, who is the husband of the informant, equipped with
deadly weapons like farsa etc., alongwith other co-accused
persons, with intention to cause death.



Learned counsel appearing on behalf of the petitioner submitted that the occurrence, which in fact, was nothing but a free fight between the parties for land dispute, for which a counter case was lodged by the petitioner prior to the present case. It is submitted that both the parties are agnets and received injuries in the present occurrence. It is also submitted that the nature of injury caused to injured, namely, Kamakhya Prasad, is grievous, but is single, suggesting no repetition without having any intervening circumstances, negating the intention to cause death. It is further submitted that F.I.R. was lodged after 10 days of the occurrence without having any just explanation. While concluding the argument, it is submitted that petitioner is a man of clean antecedent 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 appearing on behalf of the State duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded that the occurrence was a free fight, where both the parties received injuries, for which a counter case was lodged.

Considering the facts and circumstances as mentioned above, as the occurrence was a free fight between the parties



and further the assault was not repeated, negating the intention to cause death 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 Baikunthpur P.S. Case No. 182 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class, District-Gopalganj/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.



(iii) That one of the bailors shall be
Rajesh Kumar Bhagat, who is the uncle
(*Mama*) of the petitioner and deponent of the
present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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