

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14664 of 2023

Arising Out of PS. Case No.-98 Year-2020 Thana- BIRAUL District- Darbhanga

1. Shashi Nandan Chaupal Son Of Sita Ram Chaupal Resident Of Village- Bthwa Shiv Nagar, P.S.- Biraul, District- Begusarai
2. Rajesh Chaupal Son Of Shashi Nandan Chaupal Resident Of Village- Bthwa Shiv Nagar, P.S.- Biraul, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-05-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

The accused/petitioner are named in the F.I.R. and apprehended their arrest in connection with Biraul P.S. Case No.98 of 2020 registered for the offences punishable under Sections 341, 323, 307, 379 and 509 read with Section 34 of the Indian Penal Code.

The allegation against the petitioners is to assault informant and others by means of '*paghariya*' causing head and bodily injuries, having intention to cause their death, where occurrence arises out of longstanding land disputes.



Learned counsel appearing on behalf of the petitioners submitted that occurrence is of free fight in nature, where both parties received injuries and as such it cannot be said that petitioners were under intention to cause death of informant and other injured persons. It is also submitted that for the same set of occurrence counter case was also lodged from petitioner's side registered as Biraul P.S. Case No.103 of 2020. It is also submitted that nature of injuries reported after medical examination is appearing simple in nature which suggests that same is not sufficient to cause death in the ordinary course of nature, negating thereby intention to cause death. While concluding the argument it is submitted that petitioners are men of clean antecedent.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as occurrence appears free fight in nature on its face, where injury received by injured were reported simple after their medical examination, accordingly the petitioners above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, II, Biraul, Darbhanga/concerned Court below where the case is pending in connection with Biraul P.S. Case No.98 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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