

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21604 of 2023

Arising Out of PS. Case No.-583 Year-2022 Thana- SAHPUR District- Patna

1. UDAY RAI Son of Sanjay Ray R/V- Hathiakan , Sarai, PS- Shahpur, Dist- Patna
2. Vinay Rai Son of Sanjay Ray R/V- Hathiakan , Sarai, PS- Shahpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chakrapani, Advocate Mr. Sanjay Kumar Singh, Advocate Mr. Amritanshu Udbhava, Advocate
For the Opposite Party/s	:	Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-07-2023 Heard learned counsel appearing on behalf of the parties.

The petitioners seek bail in connection with Shahpur P.S. Case No.583 of 2022 registered for the offence under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioners are named in the F.I.R. and are in custody since 08.02.2023.

The allegation against both petitioners is to assault informant and others, by means of *Garasa*, causing bodily and head injuries, having intention to cause their death, where, occurrence is arises out of long standing land disputes.



Learned counsel appearing on behalf of the petitioners submitted that petitioner falsely implicated with present case out of long standing land disputes, where, parties are agnates. It is submitted that to make out a case under Section 307 of Indian Penal Code, the “intention to cause death” is the prime consideration and not the injury and same can be gathered safely from circumstances, as only one injury was noticed upon injured, during medical examination, without having any intervening circumstances, negating intention to cause death on the part of petitioner. It is submitted that allegation is also appearing doubtful, as only single injury was noticed, where, assault was alleged to caused by both petitioners. While concluding the argument, it is submitted that both petitioners found involved in 01 more case, where, they are on bail and moreover, investigation of this case is completed, for which, charge-sheet has already 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 and by taking note of fact as assault alleged to caused by both petitioners, are not appearing repeated without having any



intervening circumstance, *prima-facie*, negating “intention to cause death” coupled with the fact that charge-sheet has already submitted, where, both petitioners are in custody since 08.02.2023, accordingly both petitioners, above named, are directed to be released on bail in connection with Shahpur P.S. Case No.583 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st Danapur, Patna/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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