

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31287 of 2023

Arising Out of PS. Case No.-168 Year-2022 Thana- BHAPTIAHI District- Supaul

Ravindra Mukhiya @ Ravindra Kumar Mukhiya Son Of Dev Narayan
Mukhiya Resident Of Village - Narayanpur, P.S.- Bhaptiyahi, District - Supaul

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-07-2023 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
Bhaptiyahi P.S. Case No. 168 of 2022 registered for the offence
under Sections 147, 148, 149, 341, 323, 308, 504 of the Indian
Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.03.2023.

The allegation against the petitioner is to assault
informant by means of “*Farsa*” causing head injury, where
occurrence is arises out of land dispute.

Learned counsel appearing on behalf of the petitioner



submitted that though allegation is to cause grievous injury but the prime consideration as to made out a case under Section 307 of the Indian Penal Code is intention to cause death. It is submitted that as only single assault was caused by this petitioner without having any intervening circumstances, suggesting that petitioner was not under intention to cause death. It is submitted that occurrence is free fight which took place out of land dispute, where both parties received injuries for which petitioner lodged a prior case which was registered as Bhaptiyahi P.S. Case No. 167 of 2022. It is also submitted that three cases are pending against this petitioner, where he is on bail. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer of bail submitted that allegation to cause grievous injuries is available specific against this petitioner.

Considering the facts and circumstances as mentioned above as occurrence is of free fight, where both parties received injuries, coupled with the fact that charge-sheet has already



submitted, where petitioner is in custody since 02.03.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Bhaptiyahi P.S. Case No. 168 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., Supaul/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

The learned Trial Court is directed to verify the criminal antecedents of this petitioner and if he found involved in more than three pending criminal cases, the bail bond of petitioner shall not be accepted.

(Chandra Shekhar Jha, J)

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