

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32172 of 2023**

Arising Out of PS. Case No.-26 Year-2022 Thana- CHHATAPUR District- Supaul

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Jitendra Sharma Son of Kailu Sharma Resident of Village - Lalganj, Ward  
No.- 08, P.S.- Chhatapur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      28-06-2023                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with  
Chhatapur P.S. Case No. 26 of 2022 registered for the offence  
under Sections 147, 148, 149, 447, 448, 323, 307, 302, 504 and  
506 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in  
custody since 25.02.2022.

The allegation against the petitioner is to commit  
murder of the husband of informant alongwith other co-accused  
persons/family members, by using *farsa*, rod, etc., causing head  
injuries, where occurrence is arises out of pending land dispute.

Learned counsel appearing on behalf of the petitioner  
submitted that thrust of allegation as to cause fatal blow is



available against co-accused Chandan Kumar and just to implicate petitioner in the backdrop of longstanding land dispute, subsequently, allegation as to assault the deceased/husband of informant by means of iron rod, was falsely raised. It is submitted that post-mortem report is also annexed as **annexure-2** of the present bail petition, showing only one external injury upon the head of husband of informant. While travelling over the argument it is submitted that the occurrence is also free fight in nature where both parties received injuries and for the same set of occurrence, petitioner's side also lodged a counter case, which has been registered as Chhatapur P.S. Case No. 24 of 2022. It is submitted that as occurrence is of free fight, it cannot be said that petitioner was under intention to cause death of husband of informant. While concluding the argument, it has been submitted that petitioner is in custody since 25.02.2022, where not even charge was framed by learned Trial Court and, as such, the conclusion of trial is a remote aspect.

Learned APP, while opposing the prayer of bail, submitted that allegation against this petitioner is to assault deceased by means of iron rod on his head.

Considering the facts and circumstances as mentioned



above and by taking note of the fact that occurrence is free fight in nature, where specific allegation as to cause fatal blow is available against co-accused Chandan Kumar, coupled with the fact that trial not appears to conclude in near future, as even now charge has not framed, where petitioner is in custody since 25.02.2022, accordingly, above named petitioner is directed to be released on bail in connection with Chhatapur P.S. Case No. 26 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 Additional Session Judge-I, Supaul/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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