

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34010 of 2023

Arising Out of PS. Case No.-60 Year-2022 Thana- RAUTA District- Purnia

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Fazrul @ Fazrul Haque, Son of Maqbul @ Maqbul Husain, Resident of
village - Sirsi, P.S.- Rauta, District - Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh, Advocate
		Mr. Purushottam Kumar, Advocate
For the Opposite Party/s :		Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection
with Rauta P.S. Case No.60 of 2022 registered for the offences
punishable under Sections 341, 323, 325, 307, 379 and 504 read
with 34 of the Indian Penal Code.

The accused/petitioner named in the FIR and is in
custody since 01.04.2023.

Allegation against the petitioner is to cause head
injury to the niece of the informant by pelting stones, having
intention to cause her death, where occurrence is arises out of
land dispute.

It is submitted by learned counsel appearing on
behalf of the petitioner that though nature of injury as received



by niece of informant is appearing grievous in nature but the fact of this case is not suggesting that petitioner was under intention to cause death of niece of the informant for the reason that the alleged injury was not appears to cause intentional. It is submitted that occurrence is free fight in nature, where both parties received injuries and for the same set of occurrence, a counter case was lodged by petitioner's side, which was registered as Rouda P.S. Case No.61 of 2022. It is submitted that as occurrence is free fight, it further suggest that petitioner was not under intention to cause death. While concluding argument, it is submitted that the petitioner is a man of clean antecedent and moreover investigation of this case has been completed for which charge-sheet has been submitted and, as such, there is no chances of tampering with the evidence.

Learned APP duly assisted by Md. Firoz Ahmad, learned counsel for the informant while opposing the prayer for bail submitted that the injury is grievous in nature and on vital part of the body of injured.

In view of the above-mentioned facts and circumstances, as it appears that occurrence is free fight in nature, where narration of FIR is not suggesting that alleged injury was caused intentional, coupled with the fact that charge-



sheet has been submitted, where petitioner is in custody since 01.04.2023, accordingly, the petitioner above-named is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Rouda P.S. Case No.60 of 2022 subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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