

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34375 of 2023

Arising Out of PS. Case No.-18 Year-2020 Thana- SARAI RANJAN District- Samastipur

Md. Feroj @ Md. Firoz @ Md. Firoj Son of Machchu Miyan Resident of
Village- Harpur Barheta, PS- Sarairanjan, Dist- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate

For the Opposite Party/s : Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-06-2023 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
Sarairanjan P.S. Case No. 18 of 2020 registered for the offence
under Sections 341, 323, 324, 307, 379, 504, 506/34 of the
Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.04.2023.

The allegation against the petitioner is to cause head
injury to mother of informant alongwith other co-accused
persons by means of using “*Farsa*” (sharp cut weapon), where
occurrence is arises out of neighbourhood disputes and



differences.

Learned counsel appearing on behalf of the petitioner submitted that occurrence is free fight in nature, where both parties received injuries, for which a counter case was also registered by petitioner's side which has been registered as Sarairanjan P.S. Case No. 21 of 2020. It is submitted that occurrence is free fight in nature, causing injuries to both the parties, therefore, it can be said safely that petitioner was not under intention to cause death of injured persons. It is submitted that as per narration of the FIR, petitioner was alleged to be equipped with "*Farsa*" which is a sharp edged cut weapon but the injuries which appears on medical examination is swelling and laceration, which not appears convincing on its face that same may cause by sharp edged cut weapon. It is further submitted that alleged assault is single and without having any intervening circumstances, which further negate intention to cause death. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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, opposes the prayer of bail



Considering the facts and circumstances as mentioned above as occurrence is free fight in nature, where both parties received injuries, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 01.04.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Sarairanjan P.S. Case No. 18 of 2020 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 Chief Judicial Magistrate-III, Samastipur/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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