

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35462 of 2023

Arising Out of PS. Case No.-127 Year-2022 Thana- RAMNAGAR District- West Champaran

IBRAHIM MIAN @ MD IBRAHIM MIAN @ MD IBRAHIM S/O LATE
AKBAR MIAN R/O Sabuni, P.S. Ramnagar, Dist.-West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-07-2023 Heard learned counsel appearing on behalf of the parties.

The petitioner seeks bail in connection with Ramnagar P.S. Case No.127 of 2022 registered for the offence under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 05.04.2023.

The allegation against the petitioner is to assault informant and others along with other co-accused persons, by means of using *lathi*, rod, farsa, etc.

Learned counsel appearing on behalf of the petitioner submitted that occurrence is free fight in nature, for which petitioner had also lodged a case regarding same occurrence,



which has been registered as Ramnagar P.S. Case No. 125 of 2022. It is submitted that as occurrence is free fight in nature, it cannot be said that the petitioner was under intention to cause death of the injured. It is further submitted that as per narration of FIR, the petitioner is alleged to equipped with *Farsa*, which is a sharp edged weapon, whereas from perusal of injury report, it appears that injury on head of informant is '*lacerated wound*' and by taking all probability a sharp edged weapon cannot cause such injury, making allegation false in the background of land dispute. 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 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, as occurrence is free fight in nature coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 05.04.2023, let the petitioner, above named, is directed to be released on bail in connection with Ramnagar P.S. Case No.127 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 S.D.J.M., Bagaha, West Champaran/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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