

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37605 of 2023

Arising Out of PS. Case No.-177 Year-2022 Thana- SRINAGAR District- West Champaran

JAWAHIR YADAV @ JAWAHIRLAL @ JAWAHAR YADAV @ JAWAHAR
LAL YADAV SON OF LATE RAM BACHCHAN YADAV RESIDENT OF
VILLAGE - SRINAGAR WARD NO.04, POLICE STATION - SRINAGAR,
DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bashishtha Narayan Mishra, Advocate
Mr. Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with Srinagar P.S. Case No.177 of 2022 registered for the offence under Sections 341, 323, 324, 325, 307, 504 and 506/34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is in custody since 30.03.2023.

4. The allegation against the petitioner is to assault informant and others, along with other co-accused persons/family members, by means of *lathi*, iron rod, *farsa*, causing head and bodily injuries, having intention to cause their



death, where, occurrence is arises out of storing cow dung cakes.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner specifically alleged to equipped with “*Farsa*” and if the nature of this weapon to be taken into consideration then certainly the nature of wound, which appears upon injured, is to be of incised wound being sharp cut weapon, but same is not corroborated from the injury report, as nature of wound appears to be lacerated, which was caused by hard blunt object. It is further pointed out that there is single injury without having any intervening circumstances, which negates the intention of this petitioner to cause death of injured. While travelling over the argument, it is conceded fairly that nature of injury is grievous but same is not a consideration to make out a case under Section 307 of the Indian Penal Code, where, prime consideration is intention to cause death, which appears not convincing on its face, from the fact of this case. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the



State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as nature of injury not appears corroborating with alleged weapon, where, number of injury is single without any intervening circumstances, which negates, *prima-facie*, the intention of this petitioner to cause death of injured coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 30.03.2023, let the petitioner, above named, is directed to be released on bail in connection with Srinagar P.S. Case No.177 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 Judicial Magistrate, 1st Class, Bettiah, 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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