

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47212 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- CHANDRADIP District- Jamui

Birendra Yadav S/O Taro Yadav R/O Village-Islam Nagar, P.S.-Chandradip,
District-Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Prakash, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Chandradeep (Chandradip) P.S. Case No. 58 of 2023 registered for the offence under Sections 341, 323, 448, 307, 504, 506 and 34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is in custody since 01.05.2023.

4. The allegation against the petitioner is to assault informant and his sister alongwith other co-accused person/family members by means of axe, iron rod causing head and other bodily injuries having intention to cause their death, where reason of occurrence is not explained through present F.I.R.



5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is neighbor of the informant and as out of neighborhood disputes regarding electric connection present occurrence took place, which is free fight in nature and for the said occurrence counter case was also lodged by the petitioner's side which was registered as Chandradeep (Chandradip) P.S. Case No. 60 of 2023. It is submitted as occurrence is free fight in nature, therefore it can be safely gathered that petitioner was not under intention to cause death of the informant and other injured persons. While travelling over the argument it is submitted that no injury was caused to the sister of informant during the course of occurrence as alleged through present F.I.R., where a single injury was noticed upon informant in the background of the fact, when allegation was raised for collective assault by three named co-accused persons including this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been 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 for bail.



7. In view of the facts and circumstances as mentioned above as occurrence is of free fight, where allegation regarding physical assault is appearing very much general and omnibus, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 01.05.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Chandradeep (Chandradip) P.S. Case No. 58 of 2023 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-1st, Jamui/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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