

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47389 of 2023

Arising Out of PS. Case No.-182 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

1. Manshi Prasad @ Munshi Prasad Son Of Late Sarvjeet Prasad Resident Of Village - Bistaul, P.S. - Baikunthpur, Distt. - Gopalganj
2. Rajesh Prasad Son Of Manshi Prasad @ Munshi Prasad Resident Of Village - Bistaul, P.S. - Baikunthpur, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai, Advocate

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

2. The petitioners seeks bail in connection with Baikunthpur P.S. Case No.182 of 2021 registered for the offence under Sections 341, 323, 354, 504, 506, 307 and 34 of the Indian Penal Code.

3. The accused/petitioners are named in the F.I.R. and is in custody since 24.04.2023.

4. The allegation against the petitioners is to assault the informant and others alongwith other co-accused person/family members causing bodily injuries by using sword, iron rod etc., having intention to cause death, where occurrence



arises out of longstanding land dispute.

5. Learned counsel appearing on behalf of the petitioners submitted that occurrence is free fight in nature, where both parties received injuries and as such it cannot be said that petitioners were under intention to cause death of informant/injured, which is a prime consideration as to make out a case under Section 307 of the Indian Penal Code, irrespective the nature of injuries. It is submitted that for the aforesaid occurrence petitioner side also lodged a case, prior to this case, which has been registered as Baikunthpur P.S. Case No. 179 of 2021. It is further submitted that injury as alleged to be caused by petitioner no.1 though appearing grievous is single without having any intervening circumstances, whereas injury as alleged to be caused by petitioner no.2 to informant is appearing on the non-vital part of the body i.e., hand, which is sufficient to suggest that petitioners were not under intention to cause death of informant/injured. While concluding the argument, it is submitted that both petitioners are men 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 and by taking note of the fact that occurrence is free fight in nature, where both parties received injuries, coupled with the fact that charge-sheet has already submitted, where both petitioners are in custody since 24.04.2023, accordingly, petitioners, above named, are directed to be released on bail in connection with Baikunthpur P.S. Case No.182 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj/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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