

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47219 of 2023

Arising Out of PS. Case No.-229 Year-2022 Thana- SAHARGHAT District- Madhubani

1. Lakshman Sah @ Lakshman Sahu Son Of Bhilai Sah R/O-Awari, P.S.-SAHARGHAT, Distt.-MADHUBANI.
2. Suresh Sah Son Of Late Prabhu Sah R/O-Awari, P.S.-SAHARGHAT, Distt.-MADHUBANI.
3. Kishori Sah Son Of Triphul Sah R/O-Awari, P.S.-SAHARGHAT, Distt.-MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Minakshi Kumari, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, 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 counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioners seek bail in connection with
Saharghat P.S. Case No. 229 of 2022 registered for the offence
under Sections 341, 323, 324, 307, 354(B), 379, 504, 506/34 of
the Indian Penal Code.

4. The accused/petitioners are named in the F.I.R. and
are in custody since 03.03.2023.

5. The allegation against petitioners is to assault



informant and others by means of sword, rod etc. alongwith family members/co-accused persons, causing head and bodily injuries during the course of occurrence, having intention to cause their death, where occurrence is alleged to be arises out of land disputes.

6. Learned counsel appearing on behalf of the petitioners submitted that the occurrence is free fight in nature, and as such it can be safely said that petitioners were not under intention to cause death of informant/injured. It is submitted that petitioners had also lodged a case of said occurrence, which has been registered as Saharghat P.S. Case No. 157 of 2022. It is further submitted that both parties received injuries during the occurrence. Learned counsel pointed out Annexure-3 of present bail petition, which is the report of medical board, which clearly opined that the injury report of the mother of informant of this case, namely, Malki Devi was wrongly issued by Doctor K. Mahto and as such, same would not be the basis of implication or to gather the intention to cause death as alleged against petitioners. While concluding the argument, it is submitted that petitioners found involved in two more criminal cases, where they are on bail, 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.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as occurrence is free fight, where implication of petitioners surfaced *prima facie* on the basis of doubtful medical documents in terms of Annexure-3 of the bail petition, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 03.03.2023, accordingly, petitioners above named, are directed to be released on bail in connection with Saharghat P.S. Case No. 229 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st, Class, Benipatti, Madhubani/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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