

Arising Out of PS. Case No.-40 Year-2023 Thana- PATAHI District- East Champaran

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr. Manjeet Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

2 08-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with Patahi P.S. Case No. 40 of 2023 registered for the offence under Sections 147, 149, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is in custody since 27.05.2023.

4. The allegation against the petitioner is to assault informant and others, by using *Farsa*, iron rod, etc., causing head and bodily injuries, having intention to cause their death, where, occurrence is arises out of land dispute.

5. Learned counsel appearing on behalf of the petitioner submitted that both parties are agnates and occurrence



is free fight in nature, where, both parties have received injuries and as such, it cannot be said that the petitioner was under intention to cause their death. It is submitted that from petitioner's side a case was also registered for same set of occurrence vide Patahi P.S. Case No. 41 of 2023. It is further pointed out by learned counsel that injuries received by informant and others, are simple in nature, which is negating, *prima facie*, intention to cause death. While concluding the argument, it is submitted that petitioner found involved in 01 more criminal case, where, he is on bail 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.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as occurrence is free fight in nature, where, nature of injuries are simple coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 27.05.2023, let the petitioner, above named, is directed to be released on bail in connection with Patahi P.S. Case No. 40 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 CJM, East Champaran, Motihari/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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