

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.52510 of 2023**

Arising Out of PS. Case No.-43 Year-2023 Thana- MATIHANI District- Begusarai

Pankaj Rai Son Of Khagendra Rai @ Khagendra Singh Resident Of Village-  
Rachiyahi Purana Tol, Ps- Matihani, Dist- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Dr. Ramakant Akela, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA  
ORAL ORDER**

2      10-08-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Matihani P.S. Case No. 43 of 2023 registered for the offence under Sections 323, 341, 504, 506, 307 read with Section 34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is in custody since 04.07.2023.

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

5. Learned counsel appearing on behalf of the petitioner submitted that occurrence is free fight in nature,



where both parties received injuries and, as such, it cannot be said that petitioner was under intention to cause death of informant/injured. It is submitted that a case prior to this case was lodged by petitioner's side, which has been registered as Matihani P.S. Case No. 42 of 2023. It is submitted that maximum allegation which appears against this petitioner, during the course of investigation, is only an order giver, where allegation is to cause head injury by using iron rod is specifically available against co-accused Santosh Rai and by taking note of the said fact, other co-accused, namely, Madan Roy, Kapildev Roy and Mantun Roy have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 49863 of 2023 vide order dated 02.08.2023. It is submitted that petitioner is a man of clean antecedent.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as occurrence is of free fight, where allegation against this petitioner is only an order giver, where specific allegation, *qua, physical* assault is available against co-accused Santosh Rai, where petitioner is in custody since 04.07.2023, accordingly, above named petitioner is directed to



be released on bail in connection with Matihani P.S. Case No. 43 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1<sup>st</sup> Class, Begusarai/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

pooja/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

