

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64267 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- KHIJARSARAI District- Gaya

UPENDERA YADAV S/o Kalicharan Yadav @ Kalicharan R/o Village-
Karhara, P.S.- Khizersarai, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

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

The petitioner seeks bail in connection with
Khizersara P.S. Case No. 11 of 2022 registered for the offence
under Sections 147, 341, 323, 307, 379 and 504 of the Indian
Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.07.2022.

The allegation against the petitioner is to make an
assault to informant and others causing head and other bodily
injuries, having intention to cause their death in the background
of long standing land dispute.



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 the informant/injured. It is submitted that for the same set of occurrence, a counter case was also lodged by this petitioner which has been lodged as Khizersarai P.S. Case No. 17 of 2022. It is further submitted that alleged assault was none repeated without having any intervening circumstances, sufficient to suggest that petitioner was not under intention to cause death. It is also submitted petitioner found involved in two more criminal cases, where he is on bail. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as regard to assault alleged to be caused by the petitioner is none repeated without having any intervening circumstances, where occurrence appears to be free fight in nature coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in



connection with Khizersara P.S. Case No. 11 of 2022 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-IV,
Gaya/concerned Court, subject to the conditions as laid down
u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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