

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.72078 of 2022**

Arising Out of PS. Case No.-126 Year-2022 Thana- RAJAON District- Banka

Kamdeo Yadav @ Kamdeo Kumar Yadav S/O Anandi Yadav Resident of  
village- Bhusiya, P.S.- Rajon, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

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

2      05-04-2023                      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 Rajon  
P.S. Case No. 126 of 2022 registered for the offence under  
Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian  
Penal Code.

The accused/petitioner is named in the F.I.R. and is in  
custody since 21.08.2022.

The allegation against the petitioner is to assault  
informant and others by opening fire and also by means of  
dabiya causing bodily injuries, while they were protested to  
uproot the crops from the field claimed to be of informant, the



allegation of ransom of Rs. 25,000/- was also raised with a threat to transfer land measuring area about 2 Kattha.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely implicated in this case out of admitted land dispute. It is submitted that occurrence is of free fight in nature and, as such, it cannot be said that petitioner was under intention to cause death of informant and others. It is further submitted that informant did not received any injuries as he claimed through present FIR, rather his father, namely, Ram Sevak Yadav, received certain injuries during the course of occurrence which are simple in nature. It is submitted that allegation of firing is not available against the petitioner, who is a man of clean antecedent. It is further submitted that even the impugned order is not stating in injuries as caused to informant. It is also submitted that from the face of FIR itself, alleged assault is not appearing repeated without having any intervening circumstances, negating the intention to cause death on its face. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet has submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the



informant, Shri Sudhir Kumar Mishra, while opposing the prayer of bail submitted that informant also received injury during the course of occurrence but fairly conceded that said injury report is not available on record. It is further submitted that injury is not essential to make out a case under Section 307 of the I.P.C. where prime consideration is intention to cause death.

In view of the facts and circumstances as mentioned above, as there is no allegation as regard to repeated assault, without having any intervening circumstances, where petitioner is in custody since 21.08.2022 coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Rajon P.S. Case No. 126 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 Chief Judicial Magistrate, Banka/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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