

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67413 of 2022

Arising Out of PS. Case No.-332 Year-2021 Thana- TEGHRHA District- Begusarai

Daya Shankar Sah Son of Late Dukhan Sah Resident of Village- Barauni-1,
Ward No.-11, P.S.- Teghda, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gaurav Kumar, Advocate
	:	Ms. Kumari Archana, Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-04-2023 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

At the outset, learned counsel for the petitioner submitted that inadvertently, the name of Police Station in the bail petition has been wrongly typed as ‘Teghda’ instead of ‘Teghrha’.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction, during the course of the day itself.

The accused/petitioner is named in F.I.R. and



apprehending his arrest in connection with Teghrha P.S. Case No. 332 of 2021 registered for the offences punishable under Sections 341, 323, 308, 379/34 of the Indian Penal Code (in short 'I.P.C.').

The allegation against this petitioner is to assault informant by means of "**Rambha**" (a sharp agricultural tool) which may likely to cause death of injured/informant.

Learned counsel appearing on behalf of the petitioner submitted that the occurrence is free fight in nature, which is founded over neighbourhood disputes and differences, where both parties received injuries. It is further submitted that for same set of occurrence petitioner had also lodged a case, which has been registered as Teghrha P.S. Case No. 333 of 2021 arraying the informant as one of the co-accused. Learned counsel further pointed out that there is a single injury without any intervening circumstances, which further negate that alleged assault may not likely to cause death. It is also pointed out that nature of injury, as found upon injured/informant is simple in nature, which is not appears to be sufficient to cause death in ordinary course of nature. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

Learned APP, while opposing the prayer of bail



submitted that occurrence is free fight in nature.

Considering the aforesaid facts and circumstances and by taking note of fact as occurrence is free fight in nature, where alleged injury as caused by petitioner is appearing simple in nature, let the above named petitioner, in the event of his arrest or surrender within a period of four weeks, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai/concerned Court, where the case is pending in connection with Teghrha P.S. Case No. 332 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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