

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66447 of 2022

Arising Out of PS. Case No.-427 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

BAIDYANATH SINGH @ BAIJNATH SINGH @ BEDNATH SINGH S/O
LATE BHUNESHWAR SINGH Resident of village- Dahiyawa Tola Tari,
P.S.- Chapra Muffasil, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Senior Advocate

Mr. Ram Binod Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

For the Informant : Mr. Yogesh Chandra Verma, Senior Advocate

Mr. Vijay Kumar Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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 Chapra
Muffasil P.S. Case No. 427 of 2022 registered for the offence
under Sections 147, 148, 149, 323, 324, 326, 307 and 302 of the
Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 11.06.2022.

The allegation against the petitioner is to commit
murder the father of informant along with other co-accused



persons and also to caused firearms injury to others, during course of occurrence, where dispute is founded over land disputes.

Learned senior counsel, Sri Bindhyachal Singh, while appearing on behalf of the petitioner submitted that occurrence is of free fight in nature, where both the parties received injuries, for which, a case bearing registration No. Chapra Muffasil P.S. Case No.428 of 2022 was also lodged by this petitioner. It is pointed out that as occurrence is of free fight in nature, therefore, it cannot be gathered that petitioner was under intention to cause death. It is also pointed out that thrust of causing fatal firearms injuries are available against co-accused, namely, Kedar Singh, whereas, the maximum allegation available against this petitioner is to fire upon leg (below knee) of the injured and also upon finger, where after medical examination the injury of finger, which was alleged to be caused by firearms, was found to be caused by hard and blunt substance, contradicting the allegation on its face, as raised through the FIR. Learned senior counsel further submitted that injury caused by petitioner appears on non-vital part of the body, suggesting thereof that the petitioner was not under intention to cause death. While traveling over the argument, it is submitted



by learned senior counsel that there is long standing land disputes between the parties, for which, Title Suit No. 542 of 2018 is pending before Leaned Sub-Judge I, Saran at Chapra. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

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

Learned senior counsel, Sri Y. C. Verma, duly assisted by learned counsel Sri Vijay Kumar Srivastava, while appearing on behalf of the informant submitted that this is a matter of collective assault/firing with common object.

Considering the facts and circumstances as mentioned above and by taking note of nature of allegation and injuries, which appears to be caused by this petitioner on the non-vital part of the body of injured, suggesting that this petitioner not appears, *prima facie*, having no intention to kill 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 Chapra Muffasil P.S. Case No. 427 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, Saran at Chapra/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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