

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67097 of 2022

Arising Out of PS. Case No.-62 Year-2019 Thana- BHIMPUR District- Supaul

Dost Mohammad @ Dosh Mohammad Son of Late Karmul R/v- Thuthi, Ward
No. 8, P.S.- Bhimpur, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-02-2023 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 Bhimpur
P.S. Case No. 62 of 2019 registered for the offence under
Sections 147, 148, 149, 447, 341, 323, 324, 325, 307, 379 and
504 of the Indian Penal Code (for short 'I.P.C.').

The accused/petitioner is named in the F.I.R. and is in
custody since 30.08.2022.

The allegation against the petitioner is to assault
informant and others by means of using spear, lathi, rod, etc.,
and caused head and other bodily injuries, having intention to
cause their death, where occurrence is founded over previous



longstanding land disputes.

Learned counsel appearing on behalf of the petitioner submitted that the occurrence is nothing but a free fight, 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 case from the petitioner side has also been registered, as Bhimpur P.S. Case No. 63 of 2019. It is also submitted that both parties are agnates and there is a longstanding land disputes pending between them. It is also submitted that altogether five injuries were found upon injured Md. Sahid out of which two injuries, which were found upon left and right hand, were found grievous in nature, whereas rest of the three, which were found upon head appearing simple, is not sufficient to cause death of injured in ordinary course of nature. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the nature of injuries, which are not



appearing sufficient to cause death of the injured in ordinary course of nature, where occurrence is a free fight 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 Bhimpur P.S. Case No. 62 of 2019 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, Supaul/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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