

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68207 of 2022

Arising Out of PS. Case No.-377 Year-2022 Thana- BANIAPUR District- Saran

Abhishek Kumar Son of Rameshwar Sah Resident of Village- Nadaua, P.S.-
Baniapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-03-2023 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.

At the outset, learned counsel for the petitioner
submitted that at page no.-3 in paragraph no. 6 of the bail
petition, inadvertently, 'Baniapur P.S. Case No. 378 of 2022' has
been wrongly typed as 'Baniaur P.S. Case No. 378 of 200'.

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

The petitioner seeks bail in connection with Baniapur
P.S. Case No. 377 of 2022 registered for the offence under
Sections 341, 323, 447, 307, 379, 504, 506 and 34 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 22.07.2022.

The allegation against the petitioner is to assault the sister of the informant by means of “**khanti**” and “**daab**” causing serious head injuries, having intention to cause death.

Learned counsel appearing on behalf of the petitioner submitted that allegation of assault, as alleged, is appearing very much general and omnibus against this petitioner. It is further submitted that occurrence is founded over neighbourhood disputes and differences and also due to land disputes pending between the parties. It is also submitted that injury, as alleged to be found upon the sister of the informant, appears simple in nature which is not appearing to cause death in ordinary course of nature. It is also submitted that occurrence is free fight in nature and therefore, intention to cause death cannot be gathered against this petitioner as both parties received injuries, where a case was also lodged by this petitioner, which was registered as Baniapur P.S. Case No. 378 of 2022. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation 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, as occurrence is of free fight in nature, where injury caused by petitioner appearing simple 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 Baniapur P.S. Case No. 377 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 Judicial Magistrate 1st Class, Saran at Chapra/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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