

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68915 of 2022

Arising Out of PS. Case No.-412 Year-2022 Thana- NAUTAN District- West Champaran

1. BILAYAN PRASAD @ VIDHYACHAL PRASAD @ VINDHYACHAL PRASAD S/o Late Jhakadi Prasad R/o Village- Dhumnagar, Kurmi Tola, P.S.- Nautan, Distt- West Champaran.
2. Gopal Prasad S/o Late Jhakadi Prasad R/o Village- Dhumnagar, Kurmi Tola, P.S.- Nautan, Distt- West Champaran.
3. Bishundeo Prasad S/o Late Jhakadi Prasad R/o Village- Dhumnagar, Kurmi Tola, P.S.- Nautan, Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-04-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

The accused/petitioners are named in F.I.R and apprehending their arrest in connection with Nautan P. S. Case No. 412 of 2022 registered for the offences punishable under Sections 341, 323, 325, 307, 354-B, 447, 379, 324, 504/34 of the Indian Penal Code.

The allegation against above named petitioners is to assault informant and others by means of iron rod causing head injuries, having intention to cause their death, where occurrence



is alleged to be founded over land dispute.

Learned counsel appearing on behalf of the petitioners submitted that occurrence is free fight in nature, where both parties received injuries and, as such, it cannot be said that petitioners were under intention to cause death of informant and others. It is submitted that for the same set of occurrence, a counter case was also lodged by above named petitioners registered as Nautan P. S. Case No. 418 of 2022. It is further submitted that specific allegation against above named petitioners is to assault informant and one, Afroz Alam, respectively, causing head injuries but the nature of injuries as per injury report is appearing simple, suggesting thereof that injuries are not sufficient to cause death of informant and others, in ordinary course of nature, negating intention of petitioners to cause death of informant and others. While concluding the argument, it is submitted that petitioners are men of clean antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances, as occurrence is free fight in nature, where nature of injuries received by informant and others are of simple in nature, accordingly above named petitioners, in the event of their arrest



or surrender before learned Court below within a period of four weeks, are directed to be released on bail, 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, Bettiah, West Champaran/concerned Court, in connection with Nautan P. S. Case No. 412 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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