

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70188 of 2022**

Arising Out of PS. Case No.-123 Year-2021 Thana- PANCHRUKHI District- Siwan

SAJID @ RAJA @ SAJID ALI S/O Aslam Pawaria R/O Village- Jasauli, P.S-
Pachrukhi, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Ms. Priyanka Singh, Advocate Mr. Rizwanul Jam Khan, Advocate
For the Opposite Party/s :		Mr. Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 29-03-2023 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.

The petitioner seeks bail in connection with
Panchrukhi P.S. Case No. 123 of 2021 registered for the
offences under Sections 147, 148, 149, 341, 447, 323, 324, 307,
379, 354, 504 and 506 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.08.2022.

The allegation against the petitioner is to cause an
assault by means of hockey stick and bamboo rods to informant
and others causing head and bodily injuries, having intention to



cause their death, where occurrence took place due to dashing of cycle of informant with vehicle of petitioner.

Learned counsel appearing on behalf of the petitioner submitted that occurrence is appearing free fight in nature, where it can be safely gathered that petitioner was not under intention to cause death of informant and others as both parties received injuries. It is further submitted that petitioner was alleged to be equipped with sword, where injury as alleged to be caused by this petitioner on the head of injured namely, Enamul Haque found to be caused by hard and blunt substances, creating a doubt on face of allegation. It is also submitted that for the same occurrence a counter case was also lodged by petitioner side, which was registered as Panchrukhi P.S. Case No. 124/2021. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as occurrence is appearing of free fight in nature, where nature of injury appears to be caused by hard and blunt



substances, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Panchrukhi P.S. Case No. 123 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, VI, Siwan/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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