

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70671 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- SHANKARPUR District- Madhepura

1. LALTU KUMAR YADAV @ LALTU KUMAR Son of Laxman Yadav R/o
Maharaji Tola, Ward No. 12, P.S- Shankarpur and Dist- Madhepura
2. Nitish Kumar Yadav @ Nitish Kumar Son of Kapildeo Yadav R/o Maharaji
Tola, Ward No. 12, P.S- Shankarpur and Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-04-2023 Heard learned counsel appearing on behalf of the parties.

The accused/petitioners are named in the F.I.R. and apprehend their arrest in connection with Shankarpur P.S. Case No. 83 of 2022 registered for the offences punishable under Sections 447, 341, 323, 307, 379, 354(A), 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against both above-named petitioners is to



assault informant and others along with other co-accused persons, causing head and bodily injury, having intention to cause their death, where, occurrence is founded over land dispute.

Learned counsel appearing on behalf of the petitioners submitted that it cannot be said that these petitioners were under intention to cause death of the informant and others, as occurrence is appearing free fight in nature and in support of which, an FIR was also lodged from petitioner's side, which has been registered as Shankarpur P.S. Case No.84 of 2022. It is submitted that as occurrence was of free fight in nature, it can be safely gathered that these petitioners were not under intention to cause death of the informant and moreover, nature of injury not exclusive criteria to decide the intention to cause death. It is also submitted that occurrence is found over land dispute and moreover, both petitioners are men of clean antecedent.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that there is specific allegation against petitioner No.1 to assault upon the head of injured, namely, Chandra Kishor Yadav, causing fracture of clavicle bone. It is further submitted that injury as received by Chandra Kishor Yadav is sufficient to cause death in ordinary



course of nature.

In view of the submissions, as made above, as allegation against petitioner No.1 is to cause grievous head injury, this Court is not inclined to grant bail to the petitioner No.1.

Accordingly, the prayer of anticipatory bail of the petitioner No.1 is rejected herewith.

However, petitioner No.2, namely, Nitish Kumar Yadav @ Nitish Kumar is concerned, considering the facts, as occurrence is free fight in nature and nature allegation against petitioner No.2 is appearing very much general and omnibus, let petitioner No.2, namely, Nitish Kumar Yadav @ Nitish Kumar, in the event of his arrest or surrender before the learned court below within a period of four weeks, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Madhepura /concerned Court, where the case is pending in connection with Shankarpur P.S. Case No. 83 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

