

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73377 of 2022

Arising Out of PS. Case No.-86 Year-2022 Thana- JALALPUR District- Saran

Prakash Dixit Son of Late Shivji Dixit R/v- Bishunpura, P.S.- Jalalpur,
District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Prasad Singh, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Jalalpur
P.S. Case No.86 of 2022 registered for the offence under
Sections 147, 145, 149, 341, 323, 324, 325, 307, 379, 504 and
506 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.10.2022.

The allegation against the petitioner is to assault the
informant and others by means of *garasi* causing head injury
having intention to cause their death, where occurrence took
place due to long standing land disputes.

Learned counsel appearing on behalf of the petitioner
submitted that the occurrence is of free fight in nature, where



both parties received injuries and such it cannot be said that petitioner was under intention to cause death. It is submitted that for the present occurrence a counter case was also lodged by this petitioner as Jalapur P.S. Case No.85 of 2022 prior to lodging the present F.I.R. It is also submitted that the injury as found upon the head of injured, namely Mantu Singh, who is alleged to be assaulted by this petitioner is appearing to be caused by hard and blunt substances, which not appears in corroboration with allegation as raised through present F.I.R. and moreover, injury found upon injured is of simple in nature, which not appears to cause death in the ordinary course of nature. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking note of nature of the occurrence, which is of free fight, where injury as alleged is simple in nature coupled with the fact that charge-sheet has already been submitted, let



above named petitioner is directed to be released on bail in connection with Jalalpur P.S. Case No.86 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 Additional Chief Judicial Magistrate-13th, 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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