

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6081 of 2024

Arising Out of PS. Case No.-280 Year-2023 Thana- SUGAULI District- East Champaran

Vinod Jha @ Binod Jha, S/o Devchandra Jha, R/o Village - Koraiya, Police
Station - Sugauli, District - East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-02-2024 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The accused/petitioner is named in the FIR and
appending his arrest in connection with Sugauli P.S. Case
No.280 of 2023 for the offences punishable under Sections 341,
323, 324, 307 and 504 read with 34 of the Indian Penal Code.

3. The allegation against the petitioner is to assault
the informant by *gandasi* causing bodily injuries, having
intention to cause death.

4. It is submitted by learned counsel that from bare
perusal of FIR, it appears that the occurrence took place out of
land dispute existing between the parties. It is submitted that
from the nature of injury which is simple and the body parts
where it is alleged to cause, which is upper arm (non-vital part
of the body), it cannot be gathered that alleged assault was



caused with intention to ‘cause death’ to attract the allegation within the meaning of Section 307 of the Indian Penal Code. While concluding argument, it is submitted that petitioner is a man of clean antecedent.

5. The learned APP opposes the prayer for bail of petitioner.

6. In view of aforesaid facts and circumstances and by taking note of fact as alleged assault was caused on non-vital part of the body, which is single, where nature of injury also found as simple accordingly, the above-named petitioner is directed to be released on bail in the event of his arrest or surrender within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Motihari, East Champaran in connection with Sugauli P.S. Case No.280 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Chandra Shekhar Jha, J.)

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