

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9187 of 2024

Arising Out of PS. Case No.-389 Year-2023 Thana- BARH District- Patna

1. Dilip Kumar, Son of Karu Prasad @ Karun Prasad
 2. Munni Kumar @ Yadav Munna Raj, Son of Karu Prasad @ Karun Prasad
 3. Karu Prasad @ Karun Prasad Son of Late Ram Sharan Yadav
 4. Gano Kumar @ Rakesh Kumar, Son of Karu Prasad @ Karun Prasad
 5. Nitish Kumar @ Ankit Raj, Son of Karu Prasad @ Karun Prasad
 6. Rajeev Kumar @ Ranjit Kumar, Son of Late Nand Lal Prasad
 7. Rajbir Yadav @ Rajbir Kumar, Son of Late Nand Lal Prasad
- All are R/o village - Hasanchak, P.S. - Barh, Distt. - Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Ashok Kumar Kashyap, Advocate
For the Opposite Party/s :	Md. Matloob Rab, APP
For the Informant :	Mr. Sudish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State duly assisted by learned counsel for the informant.

2. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Barh P.S. Case No.389 of 2023 registered under Sections 147, 149, 341, 323, 354, 379, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioners is to assault the informant and other family members by using butt of rifle,



lathi, rod etc. causing head and bodily injuries, having intention to cause their death, where occurrence arises out of land dispute.

4. It is submitted by learned counsel that the occurrence is free fight in nature, where both parties have received injuries and for same set of occurrence, a case was also registered by petitioners' side against the informant, which has been registered as Barh P.S. Case No.387 of 2023. It is submitted that occurrence arises out of land dispute. Learned counsel pointed out that informant received injuries on non-vital part i.e. her hand, which caused a fracture injury and for that reason, it was shown as grievous. It is submitted that it is well settled position of law that merely on the nature of injury, a case cannot be said to be made out under Section 307 of the Indian Penal Code. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court rendered in the case of **Jage Ram vs. State of Haryana [(2015) 11 SCC 366]**.

5. Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact as alleged occurrence is free fight in nature, where grievous injury appears on the non-vital part of informant, accordingly, the petitioners, above-named, are



directed to be released on bail, in the event of their arrest or
surrender in the court below within a period of four weeks, on
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 A.C.J.M.-1st, Barh, Patna in connection with
Barh P.S. Case No.389 of 2023, subject to the conditions as laid
down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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