

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15860 of 2024

Arising Out of PS. Case No.-486 Year-2022 Thana- MURLIGANJ District- Madhepura

Ramchandra Mirdha S/o Late Kinoo Mirdha R/o vill - Rannipatti, ward no.
07, P.S - Murliganj, Distt. - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr.Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-05-2024 1. Heard learned counsel appearing on behalf of

the petitioner and learned Spl. PP appearing on behalf of

the State.

2. At the outset, it is submitted that initially this

case was lodged under provision of SC and ST
(Prevention of Atrocities) Act, 1989, against which the

anticipatory bail petition was preferred, which after

conversion into Cr. Appeal was withdrawn, thereafter,

charge-sheet was submitted by Investigating Agency

exonerating petitioner under SC and ST Act, which was

accepted by the Special Court and the matter was

subsequently, transferred to the court of C.J.M., which



cause to file present bail petition.

3. The petitioner seeks bail in connection with Murliganj P.S. Case No. 486 of 2023 registered for the offence under Sections 147, 148, 149,341,323, 324, 379, 307, 384, 447, 504, 506/34 of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is in custody since 27.01.2023.

5. The allegation against petitioner is to assault the father of informant with Farsa during the course of occurrence on head, causing severe head injuries alongwith other named co-accused persons, where occurrence is alleged to be arises out of land disputes.

6. Learned counsel appearing on behalf of the petitioner submitted that occurrence is free fight in nature, where both parties received injuries, and for the same set of occurrence, counter case was also lodged by the petitioner's side, which was registered as Murliganj P.S. Case No. 487 of 2022. It is submitted that as



occurrence is free fight in nature, therefore, it cannot be said that petitioner was under intention to cause death of the injured. It is pointed out that upon medical examination, the injury of father of informant found simple in nature and it also not appears repeated, which further negating intention to cause death, which is the prime consideration to attract a *prima facie* case for the offence under Section 307 of the Indian Penal Code. In support of his submission, learned counsel relied upon the report of ***Jage Ram & Others Vs. State of Haryana*** reported in ***(2015) 11 SCC 366***. While concluding the argument, it is submitted that petitioner found involved in three more criminal cases, where he is on bail, 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.

7. Learned Spl. PP, opposes the prayer of bail.

8. Considering the facts and circumstances as



mentioned above as occurrence is free fight in nature, where, injury as alleged to be caused by this petitioner to the father of informant, upon medical examination, found simple in nature, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 27.01.2023, accordingly, petitioner above named, are directed to be released on bail in connection with Murliganj P.S. Case No. 486 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 learned Additional Chief Judicial Magistrate, Madhepura/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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