

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15048 of 2024

Arising Out of PS. Case No.-585 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

Bhushan Yadav @ Chandra Bhushan Yadav S/o Chotan Yadav Resident of
Village- Kamalpur, P.S. Makhdumpur, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-03-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioner is named in F.I.R.

and apprehending his arrest in connection with

Makhdumpur P.S. Case No. 585 of 2023, registered for

the offences punishable under Sections 147, 341, 323,

307, 504, 506, 379 and 354 of the Indian Penal Code.

3. The allegation against above named

petitioner is to assault informant and others alongwith

co-accused persons/family members by means of lathi,

rod etc., causing head and bodily injuries, having



intention to cause their death, where occurrence is alleged to be arises out of damaging tempo of the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that allegation *qua* physical assault against petitioner is appearing very much general and omnibus in nature. It is submitted that for the same set of occurrence, petitioner also lodged a counter case, which has been registered as Makhdumpur P.S. Case No. 586 of 2023, where petitioner's side also received injuries. It is submitted that total five persons claimed to receive injuries during the occurrence from informant's side, where nature of injury upon medical examination, found simple and assault was also found single in number without having any intervening circumstances, which *prima facie* negate intention to cause death on its face, which is prime consideration to make out a case under Section 307 of the Indian Penal Code.

5. Learned APP opposes the prayer of bail.



6. Considering the aforesaid facts and circumstances, as allegation regarding physical assault is appearing very much general and omnibus in nature *qua* petitioner, where nature of injury appears simple in nature, negating *prima facie* intention to cause death on its face, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, 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. 1st, Jehanabad/concerned Court, where the case is pending in connection with Makhdumpur P.S. Case No. 585 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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