

Arising Out of PS. Case No.-468 Year-2022 Thana- BARAULI District- Gopalganj

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr.Javed Aslam, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, APP

2 10-04-2024 1. Heard learned senior counsel for the
petitioner, learned Additional Public Prosecutor for the
State and learned counsel for the informant.

2. The accused/petitioner seeks bail in
connection with Barauli (Madhopur O.P.) P.S. Case No.
468 of 2022 registered for the offences punishable
under Sections 147, 148, 149, 323, 307, 324, 325,
326, 302, 447, 504 and 506 read with 34 of the Indian
Penal Code.

3. The accused/petitioner is named in the FIR
and is in custody since 02.12.2023.

4. Allegation against the petitioner is to



commit murder of husband of the informant along with other named co-accused persons by means of using *farsa* and sword, where occurrence arises out of previous enmities.

5. It is submitted by learned counsel for the petitioner that present occurrence is free fight in nature as for same set of occurrence, FIR was lodged by petitioner's side, where co-accused Husne Alam was the informant. It is further pointed out that petitioner's side also received grievous injuries during the occurrence. Learned counsel further pointed out that occurrence is free fight, it cannot be said *prima facie* that petitioner was under intention to cause death. It is further submitted that allegation as to cause fatal assault is not appearing specific against this petitioner, as even narration of the FIR is suggesting that deceased was also assaulted on his head by co-accused Husne Alam. It is further submitted that the postmortem report, which specifying nature of injury is also not supporting the



allegation for the reason that the injuries, which were noticed upon deceased appears lacerated and same could not be caused by using a sharp-edged cut weapon as alleged through present FIR, by taking all probabilities, where cause of death shown as hemorrhage and shock out of impact caused by hard and blunt substance. It is submitted that petitioner is a man of clean antecedent. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of above-mentioned facts and circumstances and by taking note of fact, as allegation to cause head injury is not appears specific against this petitioner, where nature of injuries also not appears in corroboration with nature of weapon as alleged to cause said injury as per narration of FIR, coupled with the fact



that charge-sheet has already submitted, where petitioner is in custody since 02.12.2023, accordingly, the petitioner, above-named, 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 Chief Judicial Magistrate, Gopalganj/concerned court, in connection with Barauli (Madhopur O.P.) P.S. Case No. 468 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J)

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