

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31727 of 2023

Arising Out of PS. Case No.-297 Year-2022 Thana- CHAKIA District- East Champaran

1. Munna Sah @ Munna Kumar
2. Raj Kishore Sah
3. Prem Sah @ Premshankar Kumar @ Premshaknar Kumar,
All are Sons of Ram Sharan Sah, Resident of village - Dhobauliya, P.S. -
Chakia, Distt. - East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 03-05-2024 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR

and apprehending their arrest in connection with Chakia

P.S. Case No.297 of 2022 registered under Sections 341,

323, 324, 307, 379 and 504 read with 34 of the Indian

Penal Code.

3. Allegation against the petitioners is to assault

the informant and his family members by means of iron rod

and *farsa*, where occurrence arises out of petty issues.

4. It is submitted by learned counsel appearing for



the petitioners that the occurrence appears to be out of petty issues in the background of land dispute, which is free fight in nature for which petitioners' side also lodged a police case, which has been registered as Chakia P.S. Case No.298 of 2022. It is pointed out that petitioner had also received injuries in this case and as the occurrence is free fight in nature, it is safe to gather that the petitioners were not under intention to cause death. It is also submitted that the nature of injuries is not a criteria to make out a *prima facie* case for offence under Section 307 of the Indian Penal Code rather the same is intention to cause death, which appears not available in present case, as same is free fight in nature. It is submitted that petitioner no.1 Munna Sah @ Munna Kumar specifically assaulted Sunita Devi by butt of pistol, due to which she sustained a lacerated wound over right parietal region, which is simple and petitioner no.2, namely, Raj Kishore Sah assaulted the injured Jitendra Sah and Laxman Sah, where the injury received by injured Laxman Sah was grievous and on non-vital part of the body i.e. forearm, which is sufficient to suggest that the injury



was not likely to cause death in ordinary course of nature. It is further pointed out that petitioner no.3, namely, Prem Sah @ Premshankar Kumar specifically assaulted Nagendra Sah, who received grievous injury on his head. While concluding argument, it is submitted that the petitioners are men of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of the aforesaid factual submissions and considering the nature of injuries as alleged to be caused by petitioner nos.1 and 2, namely Munna Sah @ Munna Kumar and Raj Kishore Sah, which is simple in nature and on non-vital part of body, accordingly, both the above-named, petitioners 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Chakia P.S. Case No.297 of 2022, subject to the conditions as laid down under Section 438(2) of the CrPC.



7. So far as the prayer for bail of petitioner no.3, namely, Prem Sah @ Premshankar Kumar @ Premshankar Kumar is concerned, the allegation against him is that he specifically assaulted Nagendra Sah, who received grievous injury on his head. Accordingly, his prayer for bail is rejected.

(Chandra Shekhar Jha, J.)

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