

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 53350 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- KATEYA District- Gopalganj

Ajay Prajapati, S/o Basant Prajapati @ Basant Prasad, Resident of vill
Khalgaon, P.S. Kateya, Dist Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-08-2024 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 Kateya

P.S. Case No. 11 of 2024, registered for the offences

punishable under Sections 341, 323, 324, 379, 307,

504, 506 and 34 of the Indian Penal Code.

3. The allegation against above named

petitioner is to assault informant and others alongwith

other co-accused persons equipped with sharp-edged

weapons, causing injury on their head and other bodily



parts, which may likely to cause their death, where occurrence is alleged to be arises out of land dispute.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner falsely implicated with present case. It is submitted that allegation is false on its face out of narration of FIR itself as doctor upon medical examination found injury which was to be caused by hard and blunt substance, whereas, petitioner was alleged to inflict injuries with sharp-edged weapons. It is subbitted that all injuries alleged to be received by injured/informant during the course of occurrence found to be simple in nature, and therefore, "intention to cause death", which is a prime legal ingredient as to make out a case under Section 307 of the Indian Penal Code appears not convincing. It is submitted that petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances, and by taking note of nature of injuries,



which found simple, as such, *prima facie* negating intention to cause death, 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 Chief Judicial Magistrate, Gopalganj/concerned Court, where the case is pending in connection with Kateya P.S. Case No. 11 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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