

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53259 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- CHANDAUTI District- Gaya

Gendu Yadav Son Of Baudh Yadav R/o Village- Nai Godam (Nai Goldam
utwari) Tutbari More P.S.- Kotwali, District- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra, Advocate
: Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-08-2024 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 the F.I.R.

and apprehended his arrest in connection with Chandaوتي

P.S. Case No. 43 of 2024 registered for the offences

punishable under Sections 341, 504, 506, 323, 307, 325,

379 and 34 of the Indian Penal Code.

3. The allegation against the petitioner is to

assault informant and others alongwith other co-accused

person causing bodily injuries, having intention to cause their

death, where occurrence arises out of land dispute.



4. Learned counsel appearing on behalf of the petitioner submitted that alleged occurrence took place in the background of land dispute, where for the same set of occurrence a counter case was also registered as Chandauti P.S. Case No. 24 of 2024. It is submitted that occurrence is of free fight in nature, where it can be safely gathered that petitioner was not under intention to cause death, which is basic legal ingredient to make out a case under Section 307 of the IPC. It is also submitted that allegation against this petitioner is to assault informant/injured with the butt of the pistol, which is further to suggest that petitioner was not under intention to cause death. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of the facts and circumstances and by taking note of the fact as the present occurrence is free fight in nature, where allegation against this petitioner is limited to assault informant/injured using butt of the pistol, prima



facie, negating “intention to cause death” on its face, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, 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, Gaya/concerned Court below where the case is pending in connection with Chandauti P.S. Case No. 43 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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