

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71417 of 2023

Arising Out of PS. Case No.-126 Year-2023 Thana- YADOPUR District- Gopalganj

BABULAL SAHANI son of Late Raghunath Sahani Village- Jadopur Sukul
@ Jadopur Shukl @ Jadopur Shukul Ps- jadopur Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 29-02-2024 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 Jadopur P.S. Case No. 126 of 2023, registered for the offences punishable under Sections 341, 323, 354(A), 307, 379, 504, and 34 of the Indian Penal Code.
3. The allegation against above named petitioner is to assault informant and others by using lathi, rod etc., causing head and bodily injuries, having intention to cause death, where occurrence is alleged to be arises out of land disputes.
4. Learned counsel appearing on behalf of the petitioner submitted that occurrence is free fight, where both



parties received injuries, for said reason, it cannot be said that petitioner was under intention to cause death of the injured, who is brother-in-law of informant. It is submitted that for same set of occurrence, petitioner's side also lodged a police case which has been registered as Jadopur P.S. Case No. 128 of 2023. While travelling over the argument, it is pointed out that assault as alleged caused by petitioner is single without having any intervening circumstances, which upon medical examination found simple in nature and, as such, it is safe to suggest that a *prima facie* case is not made out under Section 307 of the Indian Penal Code, as same not attract intention to cause death on its face. 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 fact, as alleged assault caused by petitioner is single without having any intervening circumstances, which found simple upon medical examination, 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.-IV, Gopalganj/concerned Court, where the case is pending in connection with Jadopur P.S. Case No. 126 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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