

Arising Out of PS. Case No.-424 Year-2023 Thana- DUMRA District- Sitamarhi

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... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mrs. Vaishnavi Singh, Advocate
	:	Mr. Purushottam Kumar, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-03-2024 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 Dumra P.S. Case No. 424 of 2023 registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code and Section.

3. The allegation against this petitioner is to assault informant and others alongwith other co-accused persons by means of knife causing injury on stomach, head and other body parts, having intention to cause death, where occurrence arises out of previous enmities/local disputes and differences.



4. Learned counsel Mr. Ajay Kumar Thakur appearing on behalf of the petitioner submitted that occurrence is free fight in nature and as such intention to “cause death” cannot be gathered on its face, where during the occurrence petitioner also received injuries. It is submitted that for the same set of occurrence, a complaint case was filed by petitioner side also, when police refused to lodge FIR even after giving information to S.P. concerned, where the learned Chief Judicial Magistrate, Sitamarhi after going through the allegation send the complaint petition to concerned police station vide order dated 23.09.2023 to lodge FIR under Section 156(3) of the Cr.P.C. and to investigate the matter. While traveling over the argument, it is submitted by Mr. Thakur that the prosecution story/allegation as raised by informant is apparently false on its face for the reason that if the narration of FIR be taken into account then multiple incised injuries must be present over stomach of informant/injured but same does not appear corroborating form the injury report of informant/injured, as there is not even a single wound found upon medical examination of informant on his stomach and moreover, none of the injuries, as found appears to be caused by sharp edge weapon like knife. While concluding the argument, it is submitted that petitioner is a man



of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid factual submissions and by taking note of fact as occurrence, *prima facie*, is free fight in nature, negating intention to cause death, where nature of injury as found upon informant is also creating, *prima facie*, doubt regarding allegation as raised through FIR, coupled with the fact that petitioner is a man of clean antecedent, accordingly, the above named petitioner, in the event of his arrest or surrender before learned trial court 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, Sitamarhi/concerned Court, where the case is pending in connection with Dumra P.S. Case No. 424 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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