

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 80350 of 2023

Arising Out of PS. Case No.-207 Year-2023 Thana- MAJHAULIA District- West Champaran

Munnilal Yadav S/O Gudari Yadav Village- Majhariya Shekh, Ward No. 1,
P.S. Majhauriya, Dist. West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mrs. Rita Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2024 Heard Mr. Anant Kumar Mishra, learned Counsel

appearing on behalf of the petitioner and Mrs. Rita Verma,

learned counsel appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Majhauriya P.S. Case No.207 of 2023 dated 14.03.2023
registered under Sections 341, 323, 324, 307, 354(B), 379, 504
of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner
had assaulted the mother-in-law of the informant by means of
Pharsa on her head with an intention to commit murder.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner and informant sides are
agnates and there is case and counter case between them and
also for the same incident, which has taken place between them,



the petitioner has been made accused. The petitioner's side has also lodged an FIR arising out of the same incident. He further submitted that both the parties were engaged in fierce fight and in course of the same, without any intention, in his self-defence, the petitioner may have caused some injuries on the informant's side. Petitioner has one antecedent lodged by the husband of the informant. Learned counsel further submitted that the injury sustained by the victim is simple in nature.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail and submitted that from perusal of the discussion made in the paragraph no.4 of the impugned order, it appears that the injury sustained by the mother-in-law of informant is on the parietal region of the head, which is a vital part of the body. As such, the petitioner does not deserve to be released on bail. But both the parties were indulged into a fierce fight though it is contended by the petitioner that the said incident was caused without intention.

6. Having considered the rivals submissions made on behalf of the parties, as well as, taking into consideration the injury of mother-in-law of the informant, I am of the opinion that petitioner may surrender before the District Court. The District Court is directed to consider the bail application of the



petitioner on the same day and pass a reasoned order in accordance with law and on the basis of available material collected in course of investigation.

7. With the aforesaid observation/direction, the present application stands disposed of.

(Purnendu Singh, J.)

Chn/-
Ashishsingh/-

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