

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6729 of 2025

Arising Out of PS. Case No.-114 Year-2023 Thana- YADOPUR District- Gopalganj

Harihar Ram, S/o- Late Tapan Ram, resident of Village- Chatur Bagaha, P.S.-
Jadopur, Dist-Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-03-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Jadoput P.S. Case No.114 of 2023 registered under Sections 341, 323, 324, 307 and 325 read with 34 of the Indian Penal Code.

3. The allegation against the petitioner is to assault the informant and others along with co-accused persons/family members causing head and bodily injury, having intention to cause their death.

4. It is submitted that the occurrence took place in the background of land dispute. It is submitted by learned counsel that the occurrence in issue was free fight in nature,



where both parties have received injuries and for same set of occurrence, petitioner's side also lodged a case against the informant and others, which has been registered as Jadopur P.S. Case No.119 of 2023 dated 28.05.2023. It is submitted that as the occurrence was free fight, therefore, it can be said safely *prima facie* that petitioner was not under intention to cause death of the injured. It is pointed out that the allegation *qua* assault is specific against this petitioner as to assault on the abdomen of one Shila Kumari during the occurrence, who was pregnant.

5. It is further submitted that out of said assault, said Shila Kumari did not received any injury and there was no loss of her limb. It is submitted that several co-accused person having specific allegation to cause physical and bodily injury to the informant and others were granted anticipatory bail by one of the learned co-ordinate Bench of this Court in Cr. Misc. No.56589 of 2024 dated 30.09.2024. While concluding argument, it is submitted that the petitioner is a man of clean antecedent.

6. Learned APP opposed the application for grant of



bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as assault alleged to be caused by petitioner not resulted to any injury, negating *prima facie* his intention to cause death and moreover, the occurrence was said to be free fight in nature, accordingly, the above-named petitioner in the event of his arrest or surrender before the court below within a period of four weeks is directed to be released on bail on 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 in connection with Jadopur P.S. Case No.114 of 2023, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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