

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89737 of 2024

Arising Out of PS. Case No.-461 Year-2024 Thana- SUPAUL District- Supaul

Sakaldev Kumar @ Sakaldev Yadav Son of Ramchandra Yadav Resident of
Vill- Dhore, Ward No.- 03, Post- Balha, P.S.- Supaul, District- Supaul, Bihar-
852130

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Adv

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 08-05-2025 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 Supaul P.S.

Case No. 461 of 2024 registered for the offences punishable

under Sections 191(2), 191(3), 190, 126(2), 115(2),

118(1), 109, 303(2) and 352 of the Bhartiya Nyaya Sanhita,

2023.

3. The allegation against the petitioner is to

assault informant and others during the course of occurrence

by using iron rod and *farsa*, causing head and other bodily



injuries with an intention to cause death of informant and other injured persons, where occurrence took place in the background of land dispute.

4. Learned counsel appearing on behalf of the petitioner submitted that occurrence took place in the background of land dispute, where both parties received injuries and for the same occurrence petitioner's side also lodged a case, which has been registered as Supaul P.S. Case No. 477 of 2024 dated 20.07.2024. It is submitted that as occurrence is free fight in nature, it can be safely gathered that petitioner was not under intention to cause death of informant/injured. It is further submitted that assault as alleged to be caused by petitioner found single and non-repeated and upon medical examination injury as caused by this petitioner found simple in nature, negating intention to cause death on its face. 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 aforesaid facts and circumstances and



by taking note of the fact as alleged occurrence appears free fight in nature, where both parties received injuries, coupled with the fact, as injury caused by this petitioner upon medical examination found simple in nature, negating *prima-facie* intention to cause death, accordingly the petitioner above named, in the event of his arrest or surrender before the 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, Supaul/concerned Trial Court where the case is pending in connection with Supaul P.S. Case No. 461 of 2024 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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