

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2911 of 2025

Arising Out of PS. Case No.-76 Year-2024 Thana- AZIMABAD District- Bhojpur

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1. Chotu Kumar @ Gautam Kumar S/o Bijender Chaudhary R/o vill and P.S.- Azimabad, Distt.- Bhojpur
 2. Samendra Kumar @ Sabindar Kumar S/o Bijender Chaudhary R/o vill and P.S.- Azimabad, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-02-2025 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Azimabad P.S. Case No. 76 of 2024 registered for the offences punishable under Sections 126(s), 115(2), 118(1), 109, 3(5) of B.N.S.S., 2023.

3. The allegation against petitioners are to assault the informant and his family members by using lathi, rod etc. where occurrence alleged to be arising out of land dispute.

4. It is submitted by learned counsel appearing



on behalf of the petitioners that the occurrence in fact was a free fight in nature, where during the occurrence both parties received injury, therefore, it can be said safely that petitioner was not under intention to cause death of the informant and other injured persons. It is submitted that upon medical examinations of all four injured persons including informant the nature of injury was found simple, negating intention to cause death on its face. It is submitted that petitioner side also lodged case against the informant and others regarding same occurrence which has been registered as Azimabad P.S. case No. 77 of 2024. While concluding arguments, it is submitted that petitioners above-named are men of clean antecedents.

5. Learned APP, opposes the prayer of bail.

6. In view of aforesaid facts and submission as the occurrence is free fight in nature where nature of injury also appears simple as alleged to be caused by petitioners negating *prima-facie* intention to cause death,



accordingly petitioners above-named, in the event of their arrest or surrender before the court below within a period of four weeks, are 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 CJM, Bhojpur at Ara /concerned Court, where the case is pending in connection with Azimabad P.S. Case No. 76 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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