

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20667 of 2024

Arising Out of PS. Case No.-236 Year-2023 Thana- JANDAHA District- Vaishali

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Baijnath Thakur S/O- Late Kailash Thakur R/O- Village- Sherpur, P.S.-
Jandaha, Dist.- Vaishali. Petitioner/S

Versus

The State Of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Dilip Kumar Roy, Advocate
For the Opposite Party/s	:	Mr.Shailendra Kumar Singh, APP
For the Informant	:	Mr. Hemant Kumar, Advocate
		Mr. Devendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

10 28-01-2026 Heard learned counsel appearing on behalf of the petitioner, learned Additional Public Prosecutor appearing on behalf of the State and learned counsel appearing on behalf of the informant.

2. The accused/petitioner apprehending his arrest in connection with Jandaha P.S. Case No. 236 of 2023 registered for the offences punishable under Sections 341, 323, 324, 354, 307, 379/34 of the Indian Penal Code.

3. As per FIR, petitioner and other co-accused persons assaulted informant, where petitioner alleged to assault informant on her head by using *farsa*.

4. It is submitted by learned counsel appearing on behalf of the petitioner that occurrence was free fight in nature and, therefore, intention to cause death not appears convincing on



its face. It is submitted that for the same set of occurrence petitioner's side also lodged a case, which was registered as Jandaha P.S. Case No. 321 of 2022 dated 28.10.2022. It is submitted that petitioner received grievous injury during the occurrence.

5. Arguing further, it is submitted that the nature of injury, upon its final scrutiny was opined as simple in nature by doctor, which further suggest that petitioner was not under intention to cause death. It is submitted that considering all such aspects, the investigating officer submitted closure report *qua* allegation as raised for intention to cause death and same was also accepted by learned Jurisdictional Magistrate but as the allegation for the offence punishable under Section 324 of the IPC and the allegation of Section 379 of the IPC *qua* snatching of chain for cost of Rs. 48,000/- are available, the prayer of anticipatory bail of the petitioner was rejected.

6. Learned APP, duly assisted by learned counsel Mr. Hemant Kumar, appearing on behalf of the informant, while opposing the prayer of bail could not disputed the aforesaid factual submission, however, it is pointed out by learned counsel appearing for the informant that there is a single injury found upon forehead of the informant, which is of incised in nature, *prima*



facie appears corroborating the nature of weapon, which alleged to cause such injury i.e. *farsa a sharp-edged cut weapon*.

7. In view of aforesaid factual submissions and by taking note of fact as the nature of injury upon medical examination of the informant/injured found simple in nature coupled with the fact that occurrence *prima facie* appears free fight in nature, where both parties received injuries, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Vaishali at Hajipur/concerned Court, where the case is pending in connection with Jandaha P.S. Case No. 236 of 2023 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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