

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56210 of 2024

Arising Out of PS. Case No.-223 Year-2023 Thana- MURLIGANJ District- Madhepura

1. Surendra Sah @ Suren Sah Son Of Laxman Sah Resident Of Village - Pratap Nagar, Rajani Ward No. 02, P.S. - Murliganj, District - Madhepura (Bihar)
2. Binod Sah Son Of Laxman Sah Resident Of Village - Pratap Nagar, Rajani Ward No. 02, P.S. - Murliganj, District - Madhepura (Bihar)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ajay Sah Son Of Prakash Sah Resident Of Village - Pratap Nagar Rajani, Ward No. 02, P.S. - Murliganj, District - Madhepura (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Vishoka Nand
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-02-2026 Heard the parties.

2.The petitioners are named in the F.I.R. and apprehending their arrest in connection with Murliganj P.S. Case No. 223 of 2023 registered for the offences punishable under Sections 341, 323, 324, 379, 307, 354A, 447, 504 and 506 IPC.

3. The allegation against petitioners is to assault informant and others alongwith co-accused persons / family members with intention to cause their death, where occurrence is alleged to be arising out of land



dispute.

4. It is submitted by learned counsel appearing on behalf of the petitioners that occurrence was free fight in nature for which petitioners side also lodged a case which was registered as Murliganj P.S. Case No. 224 of 2023. It is submitted that both parties received injuries during the occurrence and the injury as alleged to be caused by these petitioners on the head of the father of the informant by using iron rod found simple in nature which suggest *prima-facie* that the petitioners were not under intention to cause death. While concluding arguments, it is submitted that petitioners claimed clean antecedent.

5. Learned APP while opposing the prayer of bail submitted that petitioners specifically alleged to be hit on the head of the father of informant by using iron rod, however, he conceded fairly that occurrence *prima-facie* appears free fight in nature.

6. In view of aforesaid factual submission and



by taking note of fact as *prima-facie* occurrence is free fight in nature where injury as alleged to be caused by petitioners upon father of the informant appears simple in nature *prima-facie* negating intention to cause death, accordingly both above-named petitioners, 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 Addl. District and Session Judge 1st cum Special Judge, Madhepura /concerned Court, where the case is pending in connection with Murliganj P.S. Case No. 223 of 2023, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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