

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85920 of 2023

Arising Out of PS. Case No.-220 Year-2023 Thana- Kurth District- Arwal

Jitendra Kumar @ Chhotan Yadav, Son of Ramchandra Yadav, R/o village-
Pondil, P.S. - Kurtha, Distt. - Arwal

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Uday Narayan Singh, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 21-01-2026 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 Kurtha P.S. Case No.220 of 2023 registered under Sections 341, 323, 325, 308, 504 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per FIR, named co-accused persons including petitioner assaulted the informant by using iron rod while he was ploughing in his agricultural field. The allegation of firing is also available. During the occurrence, the informant received serious injuries and was carried to Kurtha Hospital by his family members.



4. It is submitted by learned counsel appearing for petitioner that present occurrence took place in the background of land dispute. It is submitted that the allegation *qua* physical assault is only of single rod assault, which makes the allegation *prima facie* doubtful in view of injury report, as the informant received total five visible injuries on his body. In this context, it is submitted that in fact the occurrence was free fight in nature, where both parties received injuries. It is also submitted that upon medical examination, all injuries as alleged to be received by informant Krit Yadav was found simple in nature, suggesting that the petitioner was not under intention to cause death of informant/injured. The petitioner claimed clean antecedent.

5. Learned APP while opposing bail, submitted injury report of informant along with a copy of the up-to-date case diary across the board, which was taken on record.

6. In view of aforesaid factual submissions and by taking note of nature of injuries, which upon medical examination found simple *prima facie* negating intention to cause death, as alleged, accordingly, the petitioner, above-



named, in the event of his arrest or surrender in the court below within a period of four weeks from today, 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 S.D.J.M., Arwal in connection with Kurtha P.S. Case No.220 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

7. Presence of I.O. is dispensed with.

(Chandra Shekhar Jha, J.)

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