

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55659 of 2022

Arising Out of PS. Case No.-281 Year-2022 Thana- CHANPATIA District- West Champaran

Raj Kumar Yadav @ Raj Kishor Yadav Son of Late Rajbanshi Yadav @
Mishri Yadav Resident of Village- Mahuawa, Ward No. 10, P.S.-
Chanpatiya(Kumarbagh O.P.), District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Chanpatiya (Kumarbagh O.P.) P.S. Case No. 281 of 2022
registered for the offence under Sections 147, 341, 323, 324,
307, 379, 504 and 506 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.07.2022.

The allegation against the petitioner is to assault the
informant and others, causing bodily injury, while making
assault with farsa, sword, lathi etc., having intention to cause



their death, alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that the occurrence is founded over land dispute, which is free fight in nature and, as such, it is difficult to gather that petitioner was under intention to cause death. It is also submitted that the allegation, as alleged against this petitioner, is to cause injury by farsa on the head of one Birendra Yadav, but as per injury report, no such injury is available, as same was found on the nose of the injured, Birendra Yadav, which was caused due to hard and blunt substance, negating thereof the manner of allegation and creates a doubt over the entire implication, as alleged through the present F.I.R. against this petitioner. It is further submitted that for the present set of occurrence, Chanpatiya (Kumarbagh O.P.) P.S. Case No. 293 of 2022 was also lodged by petitioner's side. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned



above, as injury found over the injured is appearing in contradiction *qua* allegation raised regarding the manner of assault through the present F.I.R., where petitioner is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chanpatiya (Kumarbagh O.P.) P.S. Case No. 281 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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