

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9226 of 2022

Arising Out of PS. Case No.-159 Year-2021 Thana- KATRA District- Muzaffarpur

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1. SANTOSH THAKUR @ SANTOSH KUMAR THAKUR Son of Bikau Thakur Resident of Village - Lakhanpur, P.s.- Katra, Distt.- Muzaffarpur.
 2. Shivdhar Thakur Son of Late Khelawan Thakur Resident of Village - Lakhanpur, P.s.- Katra, Distt.- Muzaffarpur.
 3. Bikau Thakur Son of Late Khelawan Thakur Resident of Village - Lakhanpur, P.s.- Katra, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar @ Vijay Kr. Singh, Advocate
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare, APP
For the Informant	:	Mr. Chandrakanta, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-11-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State as well as learned counsel for the informant.

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

The petitioners seek bail in connection with Katra P.S. Case No. 159 of 2021 registered for the offence under Sections 147, 148, 149, 341, 323, 307, 325, 354, 379, 504 and 506 of the Indian Penal Code and later on Section 302 was added.

The accused/petitioners are named in the F.I.R. and are in custody since 29.09.2021.



The allegation against the petitioners is to commit murder of the husband of the informant along with other co-accused persons, by causing bodily injuries, while making assault with iron rod, *lathi*, etc.

Learned counsel appearing on behalf of the petitioners submitted that allegation against these petitioners, as regard to causing physical assault is very much general and omnibus. It is further pointed out that the occurrence is nothing but free fight in nature, for which a first case was registered as Katari P.S. Case No. 158 of 2021 dated 30.06.2021 by petitioner's side and as such, occurrence which appears to be free fight, these petitioners cannot be said that they were under intention to cause death, where both the parties received injuries. While concluding the argument, it is submitted that these petitioners are man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the fact that allegation against these petitioners is general and omnibus in nature.



Considering the facts and circumstances as mentioned above, as allegation as regard to assault against above-named petitioners is very much general and omnibus, where, occurrence appears to be free fight in nature coupled with the fact that charge-sheet has already been submitted, let all three petitioners, above named, are directed to be released on bail in connection with Katra P.S. Case No. 159 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Muzaffarpur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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