

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14860 of 2022

Arising Out of PS. Case No.-164 Year-2021 Thana- RUPAULI District- Purnia

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Suraj Kumar @ Suraj Sharma @ Suraj Kumar Sharma Son of Shankar
Sharma Resident of Village - Topra Ward no.09, Bhaua Parbal Bhowadeorhi,
P.s.- Rupauli (Mohanpur O.P.), Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel 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 Rupauli
(Mohanpur O.P.) P.S. Case No. 164 of 2021 registered for the
offence under Sections 341, 323, 307, 406, 504, 506 and 34 of
the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.10.2021.

The allegation against the petitioner is to assault
informant and others, along with other co-accused persons,
while equipped with iron rod, etc., and cause bodily injuries,



having intention to cause their death.

Learned counsel appearing on behalf of the petitioner submitted that occurrence is a free fight, where both parties received injuries and, as such, it can be safely gathered that petitioner was not under intention to cause death. It is submitted that for the same set of occurrence, a case was also lodged on behalf of petitioner's side, which has been registered as Rupauli (Mohanpur O.P.) P.S. Case No. 171 of 2021. It is submitted that informant is not the eye witness of the occurrence. It is also submitted that the alleged assault, as caused by petitioner, is single without having any intervening circumstances, negating intention to cause death. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as there is no repetition of blow, where petitioner is in custody since 28.10.2021 coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rupauli (Mohanpur O.P.) P.S. Case No. 164 of 2021 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, Purnea/concerned Court, subject to the
conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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