

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45449 of 2022

Arising Out of PS. Case No.-390 Year-2020 Thana- PHULPARAS District- Madhubani

1. Rajnish Kumar Son of Shri Ram Kumar Kamat Resident of Village - Musaharniya, Ward No. 16, P.O.- Ratnagara, P.S.- Phulparas, District - Madhubani.
2. Manish Kumar Son of Shri Ram Kumar Kamat Resident of Village - Musaharniya, Ward No. 16, P.O.- Ratnagara, P.S.- Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-10-2022 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with Phulparas
P.S. Case No. 390 of 2020 registered for the offence under
Sections 307, 447, 448, 323, 504 and 34 of the Indian Penal
Code.

The accused/petitioners are named in the F.I.R. and in
custody since 17.12.2021.

The allegation against the petitioners is to cause
physical assault upon informant and others, along with other co-



accused persons, where informant and others received several bodily injuries, where occurrence is founded over a family disputes.

Learned counsel appearing on behalf of the petitioners submitted that occurrence is a free fight in nature, where it is not safe to gather “intention to cause death” against these petitioners. It is submitted that for the same set of occurrence, the grandfather of these petitioners also lodged a case as Phulparas P.S. Case No. 403 of 2020. It is further submitted that allegation, as regard to assault, is very much general and omnibus. 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, charge-sheet 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.

Considering the facts and circumstances as mentioned above, as allegation, as regard to assault, is very much general and omnibus, where petitioners are in custody since 17.12.2021 coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to



be released on bail in connection with Phulparas P.S. Case No. 390 of 2020 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 A.C.J.M.-II, Jhanjharpur, District-Madhubani/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

U		T	
---	--	---	--

