

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68699 of 2021**

Arising Out of PS. Case No.-86 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

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RAMBABU THAKUR @ RAM BABU KUMAR Son of Harishankar Thakur
Resident of Village- Hasanpur Balua, P.S.- Kundwachainpur, District- East
Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar
For the Opposite Party/s : Mr. Nitya Nand Tiwary

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 15-10-2022 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

Kundwachainpur P.S. Case No. 86 of 2020 registered for the

offence under Sections 147, 149, 323, 324, 308, 325, 448, 379,

504, 506 and 354 of the Indian Penal Code.

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

custody since 05.09.2021.

The allegation against the petitioner is to made

culpable homicide not amounting to murder, where, informant

and others received several bodily injuries and also to outrage



modesty of the wife of the informant along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that present occurrence is founded over family property disputes, for which, a title suit bearing Title Suit No.02 of 2020 is pending before the court of learned Sub Judge No.1, Sikrahana, Dhaka East Champaran. It is further submitted that the occurrence is of free fight in nature, where, it cannot be safely gathered that petitioner was under intention to cause death, where, a cross case was also lodged by petitioner's side, which has been registered as Kundwachainpur P.S. Case No. 87 of 2020. While concluding the argument, it is submitted that 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, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as occurrence is of free fight, which is founded over admittedly, property disputes arises out of family partition, where, petitioner is under custody since 05.09.2021 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 Kundwachainpur P.S. Case No. 86 of 2020, on
furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with
two sureties of the like amount each to the satisfaction of
learned A.C.J.M.-V, Sikrahana at Dhaka, East
Champaran/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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