

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1297 of 2022

Arising Out of PS. Case No.-65 Year-2021 Thana- CHENARI District- Rohtas

RAMADHIN KAHAR @ RAJESH KUMAR Son of Rajendra Kahar @ Najir
Kahar Resident of Village- Jaradhi, P.S.- Chenari, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 915 of 2022

Arising Out of PS. Case No.-65 Year-2021 Thana- CHENARI District- Rohtas

RAMASHISH KAHAR @ RAMSHISH RAM Son of Dev Kahar Resident of
Village - Jararhi, P.s.- Chenari, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1571 of 2022

Arising Out of PS. Case No.-65 Year-2021 Thana- CHENARI District- Rohtas

1. AMIT KAHAR @ AMIT KAHAR SON OF RAJENDRA KAHAR @
NAJIR KAHAR R/O VILLAGE- JARADHI, P.S.- CHENARI, DIST.-
ROHTAS AT SASARAM
2. SATENDRA @ SATYENDRA KAHAR @ SATENDRA KUMAR SON OF
NANHAKU KAHAR R/O VILLAGE- JARADHI, P.S.- CHENARI, DIST.-
ROHTAS AT SASARAM

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 4288 of 2022

Arising Out of PS. Case No.-65 Year-2021 Thana- CHENARI District- Rohtas



NANKHU KAHAR @ NANHAKU KAHAR SON OF LATE BILAT
KAHAR RESIDENT OF VILLAGE- JARARHI, P.S. CHENARI,
DISTRICT- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 1297 of 2022)

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

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 915 of 2022)

For the Petitioner/s : Mr. Ravi Shankar Sahay, Advocate

Mr. Arvind Kumar, Advocate

Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 1571 of 2022)

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. Sunil Kumar Pandey

(In CRIMINAL MISCELLANEOUS No. 4288 of 2022)

For the Petitioner/s : Mr. Ravi Shankar Sahay, Advocate

Mr. Arvind Kumar, Advocate

Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 26-07-2022

IN CR. MISC. NO. 1297 of 2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State
as well as learned counsel appearing on behalf of the informant.

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

The petitioner seeks bail in connection with Chenari
P.S. Case No.65 of 2021 registered for the offence under
Sections 147, 149, 323, 307, 341, 504, 506 and 302 of the
Indian Penal Code.



The accused/petitioner is named in the F.I.R. and is in custody since 20.07.2021.

The allegation against the petitioner is to commit murder of grand-father of the informant along with other co-accused persons, equipped with *lathi*, rod, etc. in the background of trivial issues as regard to uprooting the gram crops.

Learned counsel appearing on behalf of the petitioner submitted that the present occurrence is nothing, but free fight between the parties, for which, a counter case bearing Chenari P.S. Case no. 66 of 2021 was lodged by the petitioner. It is submitted that both the parties received injuries out of free fight, as such, it cannot be said that petitioner was under intention to cause death. It also submitted that the statement of witness, as recorded during course of investigation is appearing contradictory as regard to given fatal assault. It is also submitted that daughter of the informant was also present at the time of occurrence, claiming to be an eye-witness of the occurrence did not named the petitioner to give fatal blow to the deceased/injured. It is also submitted that allegation as regard to assault is very much general and omnibus, where the petitioner is a man of clean antecedent. 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 duly assisted by learned counsel for the informant, Sri Bajrangi Lal, submitted that manner in which the assault caused by the petitioner is in full corroboration with the postmortem report, but fairly conceded the fact that fatal assault was caused by several co-accused persons, as per FIR.

Considering the facts and circumstances as mentioned above, as allegation of fatal blow is very much general and omnibus in the background of contradictory statement of the eye-witness, as recorded during course of investigation 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 Chenari P.S. Case No. 65 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 Additional Chief Judicial Magistrate – II, Rohtas at Sasaram/concerned court, subject to the following conditions:

“(i)Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Parvati Devi, who is the sister-in-law of the petitioner and deponent of the present bail petition.”

IN CR. MISC. NO. 915 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State as well as learned counsel appearing on behalf of the informant.

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

The petitioner seeks bail in connection with Chenari P.S. Case No.65 of 2021 registered for the offence under Sections 147, 149, 323, 307, 341, 504, 506 and 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 01.04.2021.

The allegation against the petitioner is to commit murder of grand-father of the informant along with other co-accused persons, equipped with *lathi*, rod, etc. in the background of trivial issues as regard to uprooting the gram crops.

Learned counsel appearing on behalf of the petitioner submitted that the present occurrence is nothing, but free fight



between the parties, for which, a counter case bearing Chenari P.S. Case no. 66 of 2021 was lodged by the petitioner. It is submitted that both the parties received injuries out of free fight, as such, it cannot be said that petitioner was under intention to cause death. It also submitted that the statement of witness, as recorded during course of investigation is appearing contradictory as regard to given fatal assault. It is also submitted that daughter of the informant was also present at the time of occurrence claiming to be an eye-witness of the occurrence did not named the petitioner to give fatal blow to the deceased/injured. It is also submitted that allegation as regard to assault is very much general and omnibus, where the petitioner is a man of clean antecedent. It is also submitted that similarly situated co-accused persons have already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 54681 of 2021 dated 22.01.2022 and also by this Court through Cr. Misc. No. 12169 of 2022 dated 12.07.2021. 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 duly assisted by learned counsel for the



informant, Sri Bajrangi Lal, submitted that manner in which the assault caused by the petitioner is in full corroboration with the postmortem report, but fairly conceded the fact that fatal assault was caused by several co-accused persons, as per FIR.

Considering the facts and circumstances as mentioned above, as allegation of fatal blow is very much general and omnibus in the background of contradictory statement of the eye-witness, as recorded during course of investigation 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 Chenari P.S. Case No. 65 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 Additional Chief Judicial Magistrate – II, Rohtas at Sasaram/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be close relative of the petitioner.”



IN CR. MISC. NO. 1571 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State as well as learned counsel appearing on behalf of the informant.

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

The petitioner seeks bail in connection with Chenari P.S. Case No.65 of 2021 registered for the offence under Sections 147, 149, 323, 307, 341, 504, 506 and 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 14.08.2021.

The allegation against the petitioner is to commit murder of grand-father of the informant along with other co-accused persons, equipped with *lathi*, rod, etc. in the background of trivial issues as regard to uprooting the gram crops.

Learned counsel appearing on behalf of the petitioner submitted that the present occurrence is nothing, but free fight between the parties, for which, a counter case bearing Chenari P.S. Case no. 66 of 2021 was lodged by the petitioner. It is submitted that both the parties received injuries out of free fight,



as such, it cannot be said that petitioner was under intention to cause death. It is submitted that the petitioner was only the member of unlawful assembly and there is no allegation as regard to assault against the petitioner. It is also submitted that the statement of witness, as recorded during course of investigation, is appearing contradictory as regard to given fatal assault. It is also submitted that daughter of the informant was also present at the time of occurrence, claiming to be an eye-witness of the occurrence did not named the petitioner to give fatal blow to the deceased/injured. It is also submitted that allegation as regard to assault is very much general and omnibus, where the petitioner is a man of clean antecedent. 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 duly assisted by learned counsel for the informant, Sri Bajrangi Lal, submitted that manner in which the assault caused by the petitioner is in full corroboration with the postmortem report, but fairly conceded the fact that fatal assault was caused by several co-accused persons, as per FIR. It is also submitted that allegation as regard to assault is specific against



the petitioner to assault the injured, namely, Tejpati Sah, leading in hospitalization for long continuous two months.

Considering the facts and circumstances as mentioned above, as allegation of fatal blow is very much general and omnibus in the background of contradictory statement of the eye-witness, as recorded during course of investigation 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 Chenari P.S. Case No. 65 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 Additional Chief Judicial Magistrate – II, Rohtas at Sasaram/concerned court, subject to the following conditions:

“(i)Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Parvati Devi, who is the wife of the petitioner and deponent of the present bail petition.”

IN CR. MISC. NO. 4288 of 2022

Heard learned counsel appearing on behalf of the



petitioner and learned counsel appearing on behalf of the State as well as learned counsel appearing on behalf of the informant.

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

The petitioner seeks bail in connection with Chenari P.S. Case No.65 of 2021 registered for the offence under Sections 147, 149, 323, 307, 341, 504, 506 and 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 01.04.2021.

The allegation against the petitioner is to commit murder of grand-father of the informant along with other co-accused persons, equipped with *lathi*, rod, etc. in the background of trivial issues as regard to uprooting the gram crops.

Learned counsel appearing on behalf of the petitioner submitted that the present occurrence is nothing, but free fight between the parties, for which, a counter case bearing Chenari P.S. Case no. 66 of 2021 was lodged by the petitioner. It is submitted that both the parties received injuries out of free fight, as such, it cannot be said that petitioner was under intention to cause death. It also submitted that the statement of witness, as



recorded during course of investigation is appearing contradictory as regard to given fatal assault. It is also submitted that daughter of the informant was also present at the time of occurrence, claiming to be an eye-witness of the occurrence did not named the petitioner to give fatal blow to the deceased/injured. It is also submitted that allegation as regard to assault is very much general and omnibus, where the petitioner is a man of clean antecedent. It is also submitted that similarly situated co-accused persons have already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 54681 of 2021 dated 22.01.2022 and also by this Court through Cr. Misc. No. 12169 of 2022 dated 12.07.2021. 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 duly assisted by learned counsel for the informant, Sri Bajrangi Lal, submitted that manner in which the assault caused by the petitioner is in full corroboration with the postmortem report, but fairly conceded the fact that fatal assault was caused by several co-accused persons, as per FIR.

Considering the facts and circumstances as mentioned



above, as allegation of fatal blow is very much general and omnibus in the background of contradictory statement of the eye-witness, as recorded during course of investigation 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 Chenari P.S. Case No. 65 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 Additional Chief Judicial Magistrate – II, Rohtas at Sasaram/concerned court, subject to the following conditions:

“(i)Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be close relative of the petitioner.”

(Chandra Shekhar Jha, J)

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