

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6501 of 2023

Arising Out of PS. Case No.-103 Year-2022 Thana- KASHICHAK District- Nawada

Sarawan Kumar, Son of Late Bhagirath Singh, Resident of Daula Chak, P.S.-
KashiChak, District- Nawada

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-05-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with
Kashichak P.S. Case No.103 of 2022 registered for the offence
punishable under Sections 302 read with 34 of the Indian Penal
Code.

The accused/petitioner is named in the FIR and is
in custody since 14.10.2022.

The allegation against the petitioner is to commit
murder of the brother of informant along with other co-accused
persons/family members by causing multiple bullet injuries on
vital parts of the body like, head and chest, where occurrence
took place out of land dispute.

It is submitted by learned counsel that implication



of this petitioner with present case is only for the reason that he is the brother of main accused, who alleged to cause bullet injuries to brother of informant. It is submitted that admittedly as per informant, petitioner was equipped with iron rod and as per postmortem report of the deceased, no such injury was available rather it appears that injuries were due to bullet. While travelling on argument, it is submitted by learned counsel that occurrence is free fight in nature where firing was alleged to be made from both sides during course of occurrence, petitioner's side also received bullet injuries for which Kashichak P.S. Case No.92 of 2022 was also registered. While concluding argument, it is submitted that petitioner is man of clean antecedent and moreover the investigation of this case is completed, for which charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

The learned APP for the State while opposing the prayer for bail fairly conceded that allegation of firing is not available against this petitioner.

In view of the above-mentioned facts and circumstances, as allegation of firing is not available against this petitioner, where occurrence is appearing free fight, coupled with the fact that petitioner is in custody since 14.10.2022 where



charge-sheet has already submitted after investigation, accordingly, the above-named petitioner is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Nawada in connection with Kashichak P.S. Case No.103 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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