

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27856 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- RAMGARH District- Kaimur (Bhabua)

1. Bhaiya Lal Sah @ Ashok Sah Son Of Late Ramji Sah Resident Of Village Bandipur And Sisawra, P.S. Ramgarh, District Kaimur At Bhabhua.
2. Babu Lal Sah Son Of Ramji Sah Resident Of Village Bandipur And Sisawra, P.S. Ramgarh, District Kaimur At Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-07-2023 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

The petitioners seeks bail in connection with Ramgarh P.S. Case No.23 of 2023 registered for the offence under Sections 341, 323, 448, 504, 379, 506, 307 and 34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

The accused/petitioners are named in the F.I.R. and is in custody since 10.03.2023.

The allegation against the petitioners is to commit murder of one Rishi Kumar, who is son of informant alongwith other co-accused persons/family members by assaulting through



lathi, iron rod etc., causing head and other bodily injuries, where occurrence arises out of drainage issues.

Learned counsel appearing on behalf of the petitioners submitted that occurrence is of free fight in nature, where both parties received injuries and as such it cannot be said that petitioner was under intention to cause death of the son of informant. It is submitted that for the same set of occurrence counter case was also lodged by these petitioners registered as Ramgarh P.S. Case No. 24 of 2023. It is submitted that allegation as regard to assault is appearing very much general and omnibus against these petitioners. It is further submitted that from the version of other eye-witnesses as surfaced during the course of investigation, it appears that petitioners and deceased both received injuries during the course of occurrence, when he came to intervene the fight between the petitioners and others and as such it can be safely said that blow as alleged to be caused by these petitioners was not intentional. While concluding the argument, it is submitted that petitioners are man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while



opposing the prayer for bail submitted that petitioners actively participated in the assault causing bodily injuries resulting death of the son of informant.

In view of the facts and circumstances as mentioned above and by taking note of the fact that occurrence is of free fight in nature, where both parties received injuries and allegation against these petitioners is appearing very much general and omnibus coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 10.03.2023, accordingly above named petitioners are directed to be released on bail in connection with Ramgarh P.S. Case No.23 of 2023 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 Judicial Magistrate-1st Class, Monania, Kaimur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further 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 petitioner shall not tamper any evidence during the trial in any manner or to influence any prosecution witnesses, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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