

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31817 of 2023

Arising Out of PS. Case No.-21 Year-2022 Thana- BUDHUCHAK District- Bhagalpur

Md. Harish Son of Late Jalaluddin Resident of Village - Kishandaspur, P.S.-
Budhuchak, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2023 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
Budhuchak P.S. Case No. 21 of 2022 registered for the offence
under Sections 147, 149, 341, 323, 325, 307, 448, 379, 504 and
506 of the Indian Penal Code (in short 'I.P.C.'), later on Section
302 of the I.P.C. was also added.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.03.2023.

The allegation against the petitioner is to commit
murder of the informant alongwith other co-accused persons by
assaulting with iron rod, etc., where occurrence is arises out of



land dispute.

Learned counsel appearing on behalf of the petitioner submitted that allegation against petitioner is appearing very much general and omnibus for the reason that the same allegation raised against 15 named co-accused persons. It is submitted that on this score, only co-accused Abutalim and Md. Intejar have been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 59409 of 2022 vide order dated 03.02.2023. It is also pointed out that occurrence is free fight in nature for which a counter case was also lodged by petitioner's side, which has been registered as Budhuchak P.S. Case No. 20 of 2022 where petitioner sides also received serious injuries. It is submitted that as occurrence is free fight in nature, therefore, it cannot be said that petitioner was under intention to cause death of injured/informant. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has 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 and by taking note of the fact as occurrence is free fight



in nature where allegation as regard to assault is appearing very much general and omnibus against this petitioner coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 07.03.2023, accordingly, the petitioner, above named, is directed to be released on bail in connection with Budhuchak P.S. Case No. 21 of 2022 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.-XV, Bhagalpur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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