

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35505 of 2023

Arising Out of PS. Case No.-237 Year-2023 Thana- BIHTA District- Patna

Rama Shankar Kumar @ Bigan, Son of Kariman Rai, Resident of Village-
Bechu Tola, P.S.- Bihta, Distt- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection
with Bihta P.S. Case No.237 of 2023 registered for the offences
punishable under Sections 146, 147, 148, 504, 506, 307 and 323
of the Indian Penal Code.

The accused/petitioner is named in the FIR and is
in custody since 24.03.2023.

Allegation against the petitioner is to assault
informant and others along with other co-accused persons
causing head and bodily injuries, having intention to cause
death, where alleged assault was caused by rod, stone piece,
etc., where occurrence is arises on the occasion of Holi.

It is submitted by learned counsel that occurrence



is free fight in nature for which petitioner's side also lodged Bihta P.S. Case No. 239 of 2023. It is submitted that both parties received injuries during the course of occurrence and, as such, it cannot be said that the petitioner was under intention to cause death of informant/injured. It is further submitted that narration of FIR is sufficient to convince that allegation *qua* physical assault is appearing very much general and omnibus against this petitioner. While concluding argument, it is submitted that the petitioner is a man of clean antecedent and moreover investigation of this case has been completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for grant of bail to the petitioner.

In view of above-mentioned facts and circumstances, as allegation against petitioner regarding physical assault is appearing very much general and omnibus, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 24.03.2023, accordingly, the petitioner, above-named, 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.-I, Danapur, Patna in connection with Bihta
P.S. Case No.237 of 2023, subject to the conditions as laid down
under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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