

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35724 of 2023

Arising Out of PS. Case No.-858 Year-2022 Thana- BIHTA District- Patna

Ranjit Rai Son of Yogendra Rai Resident Of Village -MILKIPUR, Ps- Bihta,
Distt- Patna.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-07-2023 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 Bihta P.S.
Case No. 858 of 2022 registered for the offence under Sections
341, 323, 325, 307, 302, 504, 147, 148, 149 of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.10.2022.

The allegation against the petitioner is to commit the
murder of the father of informant alongwith other co-accused
persons/family members by making assault using iron rod, lathi,
sword, crowbar etc., causing bodily and head injuries, where



occurrence is arises out of long standing land dispute.

Learned counsel appearing on behalf of the petitioner submitted that occurrence appears free fight in nature, where both parties received injuries and for the same set of occurrence, a prior case as Bihta P.S. case No. 857 of 2022 was lodged by petitioner's side. It is also submitted as occurrence is a free fight, it cannot be said that parties were under intention to cause death. It is submitted that as per narration of the FIR, initially, the allegation against petitioner was appearing very much general and omnibus but subsequently, as an afterthought to make allegation aggravating and specific, the petitioner was alleged to give sword blow on head of deceased. It is submitted that the version of informant, who is the eye-witness of the occurrence be taken into consideration, then certainly the injuries received by deceased would be of different nature i.e. incised wound being equipped with sword but as per postmortem report, the fatal injury was reported to be caused by hard and blunt object. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is 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 as occurrence is free fight in nature, where the fatal assault reported to be caused by hard and blunt object, in the background, petitioner was alleged to be equipped with sword, a sharp edged weapon, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 06.10.2022, accordingly, petitioner above named, is directed to be released on bail in Session Trial No. 330 of 2023 arising out of Bihta P.S. Case No. 858 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 Additional Sessions Judge-1st, Danapur, Patna/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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