

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47150 of 2023

Arising Out of PS. Case No.-108 Year-2023 Thana- KATEYA District- Gopalganj

1. Chhabila Ram S/O Banaur Ram R/O Village- Bankatiya Tola Tarnd, Ps. Kateya, Dist. Gopalganj, Bihar
2. Shrawan Ram S/O Chhabila Ram R/O Village- Bankatiya Tola Tarnd, Ps. Kateya, Dist. Gopalganj, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Sager Sharma, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2023 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

2. The petitioners seeks bail in connection with Kateya P.S. Case No.108 of 2023 registered for the offence under Sections 147, 148, 149, 341, 323, 324, 325, 307, 302 and 506 of the Indian Penal Code.

3. The accused/petitioners are not named in the F.I.R. and is in custody since 11.03.2023.

4. The allegation against the petitioners is to commit murder of the son of informant alongwith 19 named co-accused persons causing head and bodily injuries to informant and others, where occurrence arises out of longstanding land



disputes.

5. Learned counsel appearing on behalf of the petitioners submitted that informant is the eye-witness of the occurrence and if his version is taken into consideration, specific allegation to cause fatal assault is available against co-accused, namely Rudal Ram and not against this petitioner. It is submitted that as far allegation against petitioner no. 2, Shrawan Ram is concerned, injury report of Anita Devi, is not available and without report it is difficult to gather the nature of injury. It is submitted that as said injury is single without having any intervening circumstances and as petitioner no. 2, Shrawan Ram, cannot be said under intention to cause death of Anita Devi and moreover occurrence is appearing free fight in nature but fairly conceded that no counter case was lodged by petitioner's side. While concluding the argument, it is submitted that petitioners are men 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.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as



mentioned above and by taking note of the fact as allegation of fatal assault causing death of the son of informant is available against co-accused Rudal Ram, and not against this petitioner and furthermore injury as alleged to be caused by petitioner no. 2, Shrawan Ram, is appearing single without having any intervening circumstance, negating, *prima facie*, intention to cause death, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 11.03.2023, accordingly, petitioners, above named, are directed to be released on bail in connection with Kateya P.S. Case No.108 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 Chief Judicial Magistrate, Gopalganj/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

U		T	
---	--	---	--

