

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60074 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- RAUTA District- Purnia

Md. Rahbar Son of Md. Mohasin Resident of Village- Malopara, Police
Station -Rauta, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-09-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Rauta P.S. Case No. 59 of 2023 registered for the offence under
Sections 341/447/323/325/307/504 and 506/34 of the Indian
Penal Code.

3. The accused/petitioner is named in the F.I.R. and
is in custody since 09.06.2023.

4. The allegation against the petitioner is to assault
informant and others causing head and bodily injuries by using
Dabiya and bamboo, having intention to cause their death,
where occurrence arises out of land disputes.

5. Learned counsel appearing on behalf of the
petitioner submitted that occurrence is free fight in nature for



which a counter case was also lodged by petitioner's side, which has been registered as Rauta P.S. Case No. 60 of 2023, where both parties received injuries. It is submitted that as occurrence is free fight, therefore, it cannot be said that petitioner was under intention to cause death of informant and others, which is prime consideration to make a case under Section 307 of Indian Penal Code. It is further submitted that injuries report of both injured are simple and single without having any intervening circumstances further, suggesting that petitioner was not under intention to cause death of informant and others. 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.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, and by taking note of fact as occurrence is free fight in nature, where injury as alleged to be caused by this petitioner appears simple in nature, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 09.06.2023, accordingly, above named petitioner



is directed to be released on bail in connection with Rauta P.S.
Case No. 59 of 2023 on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand only) with two sureties of the like
amount each to the satisfaction of the Court of learned Chief
Judicial Magistrate, Purnia/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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