

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61489 of 2022**

Arising Out of PS. Case No.-289 Year-2022 Thana- DESARI District- Vaishali

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Rama Thakur @ Ramanand Thakur Son Of Late Yugeshwar Thakur R/O
Village- Toi Math, P.S.- Desari (Sahdei O.P.), District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 25-02-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP 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 Desari
(Sahdei O.P.) P.S. Case No. 289 of 2022 registered for the
offence under Sections 341, 323, 324, 307, 504 and 506/34 of
the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.07.2022.

The allegation against the petitioner is to assault
informant and others, along with other co-accused persons, by
means of using lathi, rod, spear etc. to cause such bodily
injuries, suggesting they were under intention to cause death



of the informant and others.

Learned counsel appearing on behalf of the petitioner submitted that occurrence is free fight in nature where both parties received injuries and as such it cannot be said that petitioner was under intention to cause death of the informant/injured. It is submitted that a Complaint Case No. 2300 of 2022 was also registered for the said occurrence by the petitioner's side. It is further submitted that the nature of allegation as regard to assault is appearing very much general and omnibus. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, 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.

In view of the facts and circumstances as mentioned above, as nature of allegation as regard to assault is appearing very much general and omnibus, where occurrence appears free fight in nature coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Desari (Sahdei O.P.) P.S. Case No. 289 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 Chief Judicial Magistrate-IX, Vaishali at Hajipur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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