

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70257 of 2022

Arising Out of PS. Case No.-646 Year-2021 Thana- LAKHISARAI District- Lakhisarai

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RAM KISHORE SINGH SON OF LATE DAYA NAND SINGH R/O VILL.-
PATNER, P.S.- AMAHARA (LAKHISARAI), DISTT.- LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kishore Shahi, Advocate

For the Opposite Party/s : Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-03-2023 Heard learned counsel appearing on behalf of the parties.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Amahara P.S. Case No. 646 of 2021 registered for the offence under Sections 341, 323, 324, 325, 307, 504, 506 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 14.09.2022.

The allegation against the petitioner is to assault the informant and others by means of *lathi*, *iron rod*, *khanti*, etc., causing head and bodily injuries, having intention to cause their death.



Learned counsel appearing on behalf of the petitioner submitted that the occurrence is of free fight in nature, where, both parties received injuries and for the same set of occurrence, petitioner's side also lodged a case, which has been registered as Lakhisarai (Amahara) P.S. Case No. 637 of 2021, as such it cannot be said that this petitioner was under intention to cause death. It is also submitted that allegation against this petitioner as regard to assault is of non-repeated, without having any intervening circumstances, which further negate intention to cause death of injured, namely, Ranjeet Kumar. It is also submitted that occurrence took place due to property dispute arises out of partition issues of ancestral property. While concluding the argument, it is submitted that petitioner found involved in 01 more criminal case, where, he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has submitted, as such, there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned above, as occurrence is of 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 Amahara P.S. Case No. 646 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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