

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64729 of 2022

Arising Out of PS. Case No.-177 Year-2022 Thana- DARBHANGA District- Darbhanga

Abhishek Singh Rathaur @ Abhishek Kumar Singh Son of Narendra Singh Rathaur Resident of Mohalla- Imlighat Gullobara, P.S- Town, P.S- Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-02-2023 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 Town P.S. Case No. 177 of 2022 registered for the offence under Sections 341, 323, 325, 307 and 34 of the I.P.C.

The accused/petitioner is named in the F.I.R. and is in custody since 02.10.2022.

The allegation against the petitioner is to assault informant and others by means of rod and handle of hand pump alongwith other co-accused persons causing head and bodily injuries, having intention to cause their death due to some



construction related work.

Learned counsel appearing on behalf of the petitioner submitted that the 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. It is further submitted that allegation as regard to assault is appearing very much general and omnibus. It is also pointed out that as per medical report of all injured, nature of injuries found as simple, which is sufficient to suggest that injuries were not of such nature, which may cause death in ordinary course of nature. While concluding the argument, it has been 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, duly assisted by learned counsel appearing on behalf of the informant opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation of assault is very much general, where nature of injuries found simple coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with



Town P.S. Case No. 177 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 Court of Chief Judicial Magistrate, Darbhanga/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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