

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65807 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- KATRA District- Muzaffarpur

ROHIT KUMAR Son of Suren Raut R/o Laxmipur, Yajuar, P.S.- Katra,
District - Muzaffarpur, 843360.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

Mr. Amit Anand, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-03-2023 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 Katra P.S. Case No. 42 of 2021 registered for the offence under Sections 147, 148, 149, 341, 447, 448, 323, 324, 307, 427, 354, 380, 504, 506 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 07.09.2022.

The allegation against the petitioner is to assault on the head of Rameqbal Raut along with other co-accused persons by means of Axe, causing severe head injury, having intention to



cause death.

Learned counsel appearing on behalf of the petitioner submitted that occurrence is of free fight in nature, where, both parties have received injuries and as such it cannot be said that this petitioner is under intention to cause death. It is submitted that the occurrence is founded over land dispute. Learned counsel further pointed out that one of the co-accused, namely, Suren Raut @ Suresh Raut, having similar allegation has been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 44551 of 2021 dated 23.03.2022. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been 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, where specific allegation is not available against this petitioner 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 Katra P.S. Case No. 42 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, Muzaffarpur / 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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