

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70523 of 2022

Arising Out of PS. Case No.-218 Year-2021 Thana- RAMGARHWA District- East
Champaran

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1. Santosh Kumar, Son of Late Lalbabu Prasad
 2. Pashpati Devi @ Mst. Pashpati Devi, Wife of Late Lalbabu Prasad
 3. Suman Devi, Wife of Santosh Kumar
- All are Resident of Village - Sakrar Bazar, P.S.- Ramgarhwa, District - East
Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mrs. Rashmi Jha, Advocate
For the State	:	Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor appearing on behalf of the State.

The accused/petitioners are named in the FIR and
apprehending their arrest in connection with Ramgarhwa P.S.
Case No.218 of 2021 registered under Sections 341, 323, 324,
307 and 504 read with 34 of the Indian Penal Code.

The allegation against the petitioners is to assault the
informant and others by means of iron rod causing bodily
injuries, having intention to cause their death, where occurrence
is alleged to be founded over land dispute.

It is submitted by learned counsel appearing on behalf
of the petitioners that occurrence is free fight in nature for



which petitioner no.2 also lodged a case which was registered as Ramgarhwa P.S. Case No.222 of 2021 against the informant and others. It is further submitted that petitioner no.1 is the step-brother of the informant and occurrence is founded over land dispute. It is also submitted that informant, in total, received six injuries out of which, injury no.2 is appearing grievous and same is suggesting fracture of nasal bone only, which is not a vital part of the body. It is also submitted that petitioner no.1 also received five injuries during the course of occurrence, which is alleged to be caused by informant. It is submitted that by taking note of injuries in totality, it can safely be said that injuries of informant is not of such nature, which may suggest that same are sufficient to cause death of informant in ordinary course of nature, negating intention to cause death as alleged.

Learned Additional Public Prosecutor appearing on behalf of the State while opposing the prayer for anticipatory bail of the petitioners submitted that allegation to cause grievous injury is specifically available against petitioner no.1 but, he fairly conceded that occurrence is free fight in nature.

In view of the above-mentioned facts and circumstances and by taking note of nature of occurrence, which is free fight and also by taking note of nature of injuries, let



above-named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Raxaul at Motihari, East Champaran in connection with Ramgarhwa P.S. Case No.218 of 2021, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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