

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73587 of 2022

Arising Out of PS. Case No.-345 Year-2022 Thana- KUDHNI District- Muzaffarpur

Prabhash Kumar @ Prabhash Kumar Singh S/o Late Kameshwar Singh R/o
Village- Kharauna Dih, P.S.- Sadar, Distt- Muzaffapur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bipin Chandra, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-03-2023 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 Kudhani
P.S. Case No. 345 of 2022 registered for the offence under
Sections 341, 323, 307, 447 and 34 of the Indian Penal Code
(for short 'I.P.C.').

The accused/petitioner is named in the F.I.R. and is in
custody since 08.08.2022.

The allegation against the petitioner is to assault
informant and his family members including wife alongwith
named and unknown co-accused persons by means of *lathi*, *rod*,
etc., causing head and bodily injuries, having intention to cause



their death, due to previous enmities arises out of family issues.

Learned counsel appearing on behalf of the petitioner submitted that both parties are relative, where petitioner is brother-in-law of the informant. It is submitted that allegation, as regard to assault, is appearing very much general and omnibus and is not convincing on its face that single injury is to be caused, where allegation to cause assault is available against five persons, as per the F.I.R. It is also submitted that single injury was found upon the head of informant without having any intervening circumstances, is indicating of the fact that petitioner was not under intention to cause death. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation as regard to assault is appearing very much general and omnibus against this petitioner coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 08.08.2022, let the petitioner, above named, is



directed to be released on bail in connection with Kudhani P.S.
Case No. 345 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, (West), Muzaffarpur/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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