

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75187 of 2022

Arising Out of PS. Case No.-297 Year-2022 Thana- CHAKIA District- East Champaran

1. Ram Sharan Sah Son of Late Matuk Sah Resident of Village- Dhobauliya, P.S.- Chakia, District- East Champaran
2. Raja Sah Son of Ram Sharan Sah Resident of Village- Dhobauliya, P.S.- Chakia, District- East Champaran
3. Madhukar Sah Son of Late Matuk Sah Resident of Village- Dhobauliya, P.S.- Chakia, District- East Champaran
4. Rajan Sah @ Ranjan Kumar Son of Madhukar Sah Resident of Village- Dhobauliya, P.S.- Chakia, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-05-2023 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

The accused/petitioners are named in the FIR and apprehending their arrest in connection with Chakia P.S. Case No.297 of 2022 registered for the offences punishable 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 along with co-accused persons/family members by means of rod, *farsa* etc causing head and bodily injuries, having intention to cause their death, where occurrence



is alleged to be founded over previous enmity arises out of local dispute and differences.

It is submitted that the occurrence is free fight in nature where both parties received injuries and for the same set of occurrence, a case on behalf of petitioners' side was also lodged which has been registered as Chakia P.S. Case No.298 of 2022. It is submitted that as occurrence is free fight, therefore, it can be safely gathered that petitioners were not under intention to cause death of informant and others. While travelling over the argument, it is submitted that thrust of allegation as assault is available against the co-accused Prem Sah, Raj Kishore and Munna, who are not the petitioners for the present, whereas the allegation against the petitioners is general and omnibus in nature. While concluding argument, it is submitted that all petitioners are of men of clean antecedent.

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

In view of the above-mentioned facts and circumstances and by taking note of the fact as occurrence is free fight in nature, where allegation against the petitioners are very much general and omnibus, accordingly, the above-named petitioners, in the event of their arrest or surrender in the learned



Court below within a period of four weeks, are directed to 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 Chief Judicial Magistrate, Motihari, East Champaran/concerned Court in connection with Chakia P.S. Case No. 297 of 2022 subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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