

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6282 of 2024**

Arising Out of PS. Case No.-10 Year-2022 Thana- DALSINGHSARAI District- Samastipur

Raushan Kumar @ Roshan Ray, son of Jhalo Ray S/o Vill - Kamrawan,  
P.S. - Dalsinghsarai, Dist. - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Jitendra Sinha, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      21-06-2024                      Heard learned counsel for the petitioner and learned  
  
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Dalsinghsarai P.S. Case No. 10 of 2022 registered for the offences punishable under Sections 447, 448, 341, 323, 307, 379, 504, 354B/34 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

3. Allegation against the petitioner is to assault the husband of informant and other family members causing head injury by using iron rod under intention to cause death, where occurrence is alleged to be arising out of trivial issues related with water logging issue causing neighbourhood



dispute and differences.

**4.** Learned counsel appearing on behalf of the petitioner submitted that the occurrence is free-fight in nature for which petitioner had also lodged a case which was registered as Dalsinghsarai P.S. Case No. 11 of 2022. It is pointed out that both parties received injury during the occurrence. It is submitted that the occurrence is free-fight in nature, therefore, the intention as to cause death cannot be gathered out of circumstances. It is submitted that assault, as alleged to be caused by the petitioner to the husband of the informant, is single, which caused simple injury, suggesting that petitioner was not under intention to cause death of husband of the informant, who is a man of clean antecedent.

**5.** Learned A.P.P. for the State, while opposing the prayer of anticipatory bail of the petitioner, fairly submitted that the injury as alleged to be caused by this petitioner to the husband of the informant is simple in nature in terms of report submitted by the Investigating Officer of this case, who is present before this Court in terms of order dated



16.05.2024.

**6.** In view of the aforesaid factual submissions and by taking note of the fact as the occurrence is free-fight in nature, where the alleged assault, as caused by the petitioner, is single, which caused simple injury *prima-facie* negating the allegation as the alleged assault may likely to cause death, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be released on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- I, Dalsinghsarai, Samastipur in connection with Dalsinghsarai P.S. Case No. 10 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**7.** The Presence of Investigating Officer of this case is dispensed with.

**(Chandra Shekhar Jha, J.)**

Rajeev/-

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