

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64144 of 2024

Arising Out of PS. Case No.-165 Year-2024 Thana- SHAHPUR PATORI District- Samastipur

Rahul Kumar son of Shailendra Kumar Thakur Resident of Village -Gorgama,
Police Station -Patory Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-09-2024 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Patory P.S. Case No. 165 of 2024 registered for the

offences under Sections 341, 323, 379, 307, 504 and

506/34 of the IPC.

3. The petitioner is named in the F.I.R. and is in

custody since 31.07.2024.

4. The allegation against the petitioner is to

assault the informant and his family members, alongwith

other co-accused persons causing bodily injuries, which was

likely to cause their death, where occurrence alleged to be



arises out of land dispute, where both parties are agnates.

5. Learned counsel appearing on behalf of the petitioner submitted that occurrence is free fight in nature, where both parties received injuries and for the same set of occurrence petitioner's side also lodged a case registered as Patory P.S. Case No. 163 of 2024 implicating informant and his family members. It is submitted that as occurrence is free fight in nature, therefore, it can be safely gathered that petitioner was not under intention to cause death of the informant and others and moreover injury, which was received by informant was on the non-vital part of the body. It is submitted that merely on the basis of the fact as informant/injured received grievous injury on shoulder, case under Section 307 of the IPC cannot be said to be made out. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Jage Ram v. State of Haryana, (2015) 11 SCC 366.** While concluding the argument it is submitted that petitioner is a man of clean antecedent.

6. Learned APP appearing on behalf of the State,



opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of fact as occurrence appears *prima facie*, free fight in nature, which took place out of land dispute, coupled with the fact as petitioner is in custody since 31.07.2024, accordingly, petitioner, above named, is directed to be released on bail in connection with Patory P.S. Case No. 165 of 2024 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, Samastipur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./ Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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