

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3667 of 2026

Arising Out of PS. Case No.-95 Year-2023 Thana- KOTWA District- East Champaran

Ramakant Kumar @ Ramakant Mahto, S/o Shiw Shankar Mahto, R/o Village and P.O.-Karariya, Konhawa Machhar Gawan, P.S.- Kotwa, District-East Champaran, Motihari

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-02-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Kotwa P.S. Case No.95 of 2023 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506 read with 34 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is in custody since 13.10.2025.

4. Allegation against the petitioner is to assault the informant and others alongwith other co-accused persons by means of *Lathi*, iron rod, knife etc. causing head and bodily injuries, having intention to cause their death, where occurrence is arises out of neighbourhood dispute and differences.



5. Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in the present case due to neighbourhood dispute and differences. It is submitted that occurrence is of free-fight in nature, where both parties have received injuries and for same set of occurrence a counter case was lodged by petitioner's side which has been registered as Kotwa P.S. Case No. 93 of 2023. It is further submitted that allegation is limited as to give only order/instigate to other co-accused persons to assault the informant and others during the course of occurrence. It is submitted by learned counsel that occurrence is free-fight in nature, therefore, it cannot be said that petitioner was under intention to cause death of the injured, which is a prime consideration to constitute a case under Section 307 of the I.P.C. It is pointed out by learned counsel appearing for the petitioner that the injured daughter of informant was not only alleged to be assaulted by this petitioner rather by other co-accused persons also and the manner of the occurrence is free fight and also by taking note of injuries as conduct of the petitioner, it can be said that the petitioner was not under intention to cause death of the daughter of informant. In



support of his submission, learned counsel has relied upon legal report of Hon'ble Supreme court as available through **Jage Ram vs. State of Haryana & Ors. [(2015) 11 SCC 366]**.

While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence and moreover petitioner is a man of clean antecedent.

6. Learned A.P.P. for the State while opposing the prayer for anticipatory bail of the petitioner, submitted that petitioner has actively participated during the course of occurrence.

7. In view of aforesaid factual submissions and by taking note of fact as occurrence is free fight in nature, where both parties received injuries, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 13.10.2025, accordingly, the petitioner, above-named, is 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, East Champaran at



Motihari in connection with Kotwa P.S. Case No.95 of 2023
subject to the conditions as laid down under Section 437(3) of
the Code of Criminal Procedure (for short ‘CrPC’)/under
Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for
short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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