

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38643 of 2015

Arising out of PS.Case No. -90 Year- 2015 Thana -SURYAGARHA District- LAKHISARAI

Rajendra Ram, Son of Bonu Ram, resident of Village-Mano P.S Surajgarha,
District Lakhisarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate.

For the Opposite Party : Mr. Md. Ataur Rahman (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 26.05.2015
in connection with Surajgarha P.S. Case No. 90 of 2015 for the
offences instituted under Sections 448, 341, 323, 324 and 307/34
of the IPC.

The prosecution story, in brief, is that accused /petitioner
and other accused persons armed with weapon entered into the
house of the informant and further assaulted her. The husband of
the informant namely, Karu Ram, also arrived there but the
accused/petitioner and other accused persons assaulted Karu Ram
by means of sharp cutting weapon. Karu Ram sustained injury and
fell down there. One Bidan Ram was also assaulted by the

accused/petitioner and others. It is also alleged that the accused/petitioner also took away all household articles from the house of the informant. Karu Ram husband of the informant was brought to Lakhisarai for treatment but ultimately, the Doctor referred him to Rajeshwar Hospital, Patna.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 26.05.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The deceased is said to have died after five days of the occurrence in course of treatment. Postmortem report does not support the FIR. The allegation of assault is against three persons upon the deceased but only one injury is said to have been found on the deceased. Earlier the present case was instituted for the offence under Section 307/34 and other Sections of the IPC but later on Section 302 of the IPC was added in the present case. Both the parties are *Gotias*. There is an admitted land dispute between the parties.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail

bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Lakhisarai, in connection with G.R. No. 853/2015, arising out of Surjgarha P.S. Case No. 90/2015.

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(Sudhir Singh, J)