

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51189 of 2014

Arising Out of PS.Case No. -285 Year- 2014 Thana -BARAUNI (Garhara) District- BEGUSARAI

Jogi Ram @ Yogi Ram S/o Late Bishuni Ram, Resident of Village-
Garhara, Rajdeopur, Ward No. 7, P.S.- Barauni, (Garhara), District-
Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 30-06-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is permitted to
make necessary correction in paragraph-2 of the application. Let
the same be done during the course of the day.

The petitioner seeks bail in Barauni (Garhara) P.S.
Case No. 285 of 2014 dated 26.06.2014 corresponding to
G. R. No. 2967 of 2014 instituted under Sections
341/323/307/379/504/506/34 of the Indian Penal Code, to which

later on Section 302 of the Indian Penal Code was also added.

This is the second attempt of the petitioner seeking bail as earlier on 28.11.2014, Cr. Misc. No. 40497 of 2014 was withdrawn. Though no reason has been assigned in the order but learned counsel for the petitioner submits that in view of chargesheet having been submitted by the police under bailable sections, the application was withdrawn. Copy of the chargesheet has also been annexed as Annexure-3 in the present application.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he and his three sons had assaulted his full brother and also co-brother with regard to cutting of a '*jamun*' tree. Learned counsel submits that later on the person also died and Section 302 of the Indian Penal Code was added but during investigation and in view of postmortem report, which found no external injury on the body, and the person having died due to illness, the police did not submit chargesheet under Section 302 of the Indian Penal Code. It is submitted that in view of there being specific allegation of brutal assault on the person of the deceased by the petitioner and his three sons and the postmortem report not finding injury on the body, the case is false and fabricated. It is submitted that the petitioner having no criminal antecedent is in custody since 21.07.2014. It is further submitted

that the three sons of the petitioner have already been granted anticipatory bail.

Learned A.P.P. opposes the prayer for bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in Barauni (Garhara) P.S. Case No. 285 of 2014 corresponding to G. R. No. 2967 of 2014. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

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