

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.18745 of 2015**

Arising Out of PS.Case No. -54 Year- 2014 Thana -ASAWAN District- SIWAN

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1. Baban Kumar @ Babban Ram. Son of Sukul Ram.  
2. Kapil Ram. Son of Late Dharmu Ram.  
3. Subhanti Devi @ Suganti Devi. Wife of Rajendra Ram. Resident of  
Mohalla - Chhitampur, P.S.- Assaon, District - Siwan.

.... .... Petitioners

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Ranjeet Kumar Pandey

For the Opposite Party/s : Mr. Pradip Nr. Kumar (App)

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL ORDER**

3      01-09-2015                      Heard learned counsel for the parties.

Learned counsel for the petitioners submits that petitioner no.2, Kapil Ram, has been arrested on 10<sup>th</sup> August, 2015 and as such, his prayer for anticipatory bail has now become infructuous.

This application for anticipatory bail of petitioner no.2, Kapil Ram, is dismissed as having become infructuous.

Learned counsel for the petitioners also while explaining the cases of rest of the two petitioners no. 1 and 3 facing allegation for prosecution under section 307/34 of the Indian Penal Code and section 27 of the Arms Act has gone to submit that not only the informant is own brother of petitioner no.2 but also own uncle of petitioner no.1 and his allegation against four persons firing simultaneously on him and yet resulting into only one injury on



his person will itself go to show that petitioner no.1, who was stationed at Bokaro, has been brought into the zone of dispute only to take revenge on account of old family dispute. As with regard to petitioner no.3 against whom there is no specific allegation of overt act, learned counsel for the petitioners has explained that she is also a lady family member of the same family.

This Court having perused the materials on record particularly the materials collected by the police in course of investigation would find some strength in the aforesaid submission of the learned counsel for the petitioners that the implication of the petitioners has been only on account of some old family dispute. Thus, when the petitioners no.1 and 3 also have got no criminal antecedent, this Court would find them entitled for grant of privilege of anticipatory bail.

That being so, if petitioners no. 1 and 3, namely, Baban Kumar @ Babban Ram and Subhanti Devi @ Suganti Devi, surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan in Assaw P.S.Case No. 54/2014, subject to the following conditions:

(i) That the court below shall make verification of criminal antecedent of petitioners no.1 and 3 and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be a close relative of petitioners no.1 and 3 who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of petitioners no.1 and 3.

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if petitioners no.1 and 3 are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That petitioners no.1 and 3 will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

**(Mihir Kumar Jha, J)**

surendra/-

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