

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42634 of 2015

Arising out of PS.Case No. -54 Year- 2015 Thana -PHULPARAS District- MADHUBANI

Ashok Ram, Son of Jang Bahadur Ram, resident of Village - Gahuma Bairiya, P.S. - Phulparas, District - Madhubani.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Advocate.

For the Opposite Party : Mr. Dasrath Mehta (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 06-11-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is languishing in custody since 21.04.2015 in connection with Phulpras P.S. Case No. 54 of 2015 for the offences instituted under Sections 341, 323, 324, 337, 307 and 504/34 of the IPC. Later on, Section 302 IPC was also added.

The prosecution story, in brief, is that on 07.03.2015 at about 8.00 A.M., the informant was going towards *Badh* alongwith she-goat. Her one she-goat entered in the field of other then Ashok Ram (the petitioner) caught her she-goat and started throwing on earth. When the informant prevented him, his cousin Chandan Ram abused her and also assaulted by slaps and fists. His *Chacheri* mother-in-law Urmila Devi came on her hulla, petitioner



Ashok Ram gave a blow of stone on her face which struck below her eyes and she became injured. On hearing hulla, the Bhaisur, Sulendra Mandal, Ram Prasad Mandal, Phulchand Mandal also came there then Nandan Ram, Kundan Ram, Kashi Ram reached there and assaulted her Bhaisur Sulendra Mandal by *Tangi* on his head. He become unconscious. Thereafter all accused persons assaulted Ram Prasad Mandal by *Tangi* on his head and also by Lathi. The injured were sent to Referral Hospital, Phulpras. It is further evident that in course of treatment, injured Ram Prasad Mandal died at Darbhanga Medical College and Hospital.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 21.04.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The specific allegation of assaulting upon the deceased is made against Kundan Ram and Nandan Ram. There is no injury attributed against the petitioner for causing injury upon the deceased. The petitioner is alleged to have assaulted aunt of the deceased. The injury report of the aunt of the deceased is Annexure-2 to the present application. The injury is said to be simple in nature.

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 A.C.J.M., Jhanjharpur, Madhubani, in connection with Phulpras P.S. Case No. 54 of 2015.

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(Sudhir Singh, J)