

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17355 of 2016

Arising Out of PS.Case No. -107 Year- 2015 Thana -DAWATH District- SASARAM (ROHTAS)

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1. Teju Ram, Son of Manrakhn Ram, resident of Village: Dawath (SC/ST Tola), P.S: Dawath , District- Rohtas (Sasaram).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Pushpa Sinha-Ii(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 24-06-2016 Heard the learned counsel for the petitioner, the learned A.P.P for the State as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences punishable under sections 147, 148, 149, 341, 323, 324, 307 and 302 of the I.P.C

Allegedly, seven F.I.R. named accused person including the petitioner started assaulting the informant and when Sripati Ram, the younger brother of the informant, came for rescue he was also brutally assaulted by them with spade, lathi, danda and axe and when Ramashish Ram, the father of the informant, came for rescue he was also assaulted by them. During treatment Sripati Ram, the younger brother of the informant, died.



Submission is of false implication and that at the relevant time the petitioner was not present at the place of occurrence rather he was getting treatment at the Primary Health Centre, Dawath, there is general and omnibus allegation and the deceased has received only one injury on the upper occipital region and as such the prosecution story appears not probable and reliable, the petitioner is in custody since 12.11.2015, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the informant and his father also received serious injury and the brother of the informant died due to brutal assault made by the petitioner and others.

In the facts and circumstances as stated above, considering that only one injury has been found on the person of the deceased though there is general and omnibus allegation against seven accused persons who have assaulted him and as such the petitioner is directed to 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 S.D.J.M. Bikramganj, District-Rohtas in Dawath P.S. Case No. 107 of 2015, subject to the

conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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