

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36400 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -RAMGARH District- BHABHUA (KAIMUR)

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1. Mithlesh Ram Son of Mahendra Ram
 2. Somar Ram @ Somaru Ram S/o Bechu Ram
 3. Ram Pravesh Ram S/o Nagina Ram
 4. Shashi Ram son of Shivbachan Ram All resident of Village- Deohaila, P.S.- Ramgarh, District- Kaimur (Bhabhua).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ramakant Ram, Advocate.
For the Opposite Party : Ms. Nirmala Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 28-11-2016 Heard both sides.

Shri Dhirendra Kumar Sinha, learned counsel for the petitioners submits that petitioner no. 1 Mithlesh Ram and petitioner no. 4 Shashi Ram have already been arrested. Accordingly, prayer for anticipatory bail of petitioner no. 1 Mithlesh Ram and petitioner no. 4 Shashi Ram is dismissed as has become infructuous.

The petitioner no. 2 Somar Ram @ Somaru Ram and petitioner no. 3 Ram Pravesh Ram apprehend their arrest in Ramgarh P.S. Case No. 01 of 2016, registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code.



The informant alleged that while he along with his cousin Rohit Kumar Singh was coming they saw a tractor parked on the road when the informant made request for removing the tractor the petitioners and other accused persons having armed with different weapons came. Shashi Ram is alleged to have assaulted the informant Bhanu Pratap Singh on his head with iron rod and other accused persons are also alleged to have assaulted the informant, his cousin Rohit Kumar Singh and nephew Amit Kumar.

Learned counsel for the petitioners submits that no specific allegation of assault is made against the petitioners Somar Ram @ Somaru Ram and Ram Pravesh Ram. The informant got two injuries on his head which is attributed to Shashi Ram and the injuries are opined to be grievous in nature. Rohit Kumar Singh and Amit Kumar got simple injuries but no specific allegation is made against the petitioners. Similarly situated co-accused Bhorik Ram has already been granted anticipatory bail by a Bench of this Court vide order passed in Cr. Misc. No. 34353 of 2016 on 09.11.2016. There is a counter version.

Considering the facts aforesaid and the facts that no specific allegation of assault is made against the petitioners, the petitioner no. 2 Somar Ram @ Somaru Ram and petitioner no. 3

Ram Pravesh Ram, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 Chief Judicial Magistrate, Kaimur in Ramgarh P.S. Case No. 01 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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