

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 28438 of 2016

Arising Out of PS.Case No. -63 Year- 2015 Thana -JALALPUR District- SARAN

- =====
1. Shambhu Ram Son of Late Muneshwar Ram
 2. Jitendra Ram son of Chandra Bhushan Ram @ Chndraghosh Ram.
 3. Pappu Ram son of Chandra Bhushan Ram @ Chndraghosh Ram.
 4. Nitish Ram @ Nitesh Ram Son of Jitendra Ram.
 5. Bishwakarma Ram Son of Nageshwar Ram.
 6. Sanjeet Ram Son of Rupchand Ram
 7. Budhan Ram @ Ajay Ram son of Laxmi Ram.
 8. Kanhaiya Ram son of Lakhichand Ram
 9. Om Prakash Ram @ Bim Ram @ Rajesh Ram son of Shankar Ram
- All are Residents of Village Sawari Puri Tola, Police Station- Jalalpur,
District- Saran (Chapra).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bashistha Nr. Mishra
Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Abhay Kr. Roy

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 28-07-2016 Heard Sri Bashistha Narain Mishra, learned counsel,
who was assisted by Sri Brij Kishor Mishra, learned counsel for
petitioners and Sri Abhay Kumar Roy, learned Addl. Public
Prosecutor.

Nine petitioners, who were named as accused in the
F.I.R. alongwith other two accused persons i.e. Jalalpur P.S. Case
No. 63 of 2015 registered for offence under Section 147, 149, 341,
323 & 302 of the Indian Penal Code, have prayed for grant of
anticipatory bail.



It was submitted by learned counsel for petitioners that accusation in the F.I.R. was itself false, due to the said reason, during investigation, the accusation was found untrue and police finally submitted final report, vide Annexure – 3 to the present petition. However, the learned Additional Chief Judicial Magistrate – IX, Chapra, differing with the police report, took cognizance of offence by its order dated 15-12-2015 under Sections 147, 149, 341, 323, 304 of the Indian Penal Code. Besides this, he submits that other two accused persons, having similar accusation namely Umesh Ram and Sunil Ram have been extended the privilege of anticipatory bail by a Bench of this Court, vide order dated 20-06-2016 passed in Cr. Misc. No. 25102 of 2016. He submits that since other two accused persons have already been granted anticipatory bail, the petitioners are also entitled for same relief.

Learned Addl. Public Prosecutor has opposed the prayer for bail on the ground that petitioners are F.I.R. named accused for offence under Section 302 of the I.P.C., however, he does not dispute the fact that police during investigation had found the case untrue and final report was submitted and he is also not in a position to distinguish the case of petitioners with other two accused namely Umesh Ram and Sunil Ram.

Considering the facts and circumstances, particularly the fact that during investigation, the case was found not true, the learned Magistrate took cognizance, differing with the police report, under Section 304 of I.P.C. as well as the fact that two accused persons, having similar accusation, have been granted the anticipatory bail, the petitioners are also entitled to get same relief.

Accordingly, in the event of their arrest or surrender within a period of six weeks from today, let all the petitioners namely 1. Shambhu Ram, 2. Jitendra Ram, 3. Pappu Ram, 4. Nitish Ram @ Nitesh Ram, 5. Bishwakarma Ram, 6. Sanjeet Ram, 7. Budhan Ram @ Ajay Ram, 8. Kanhaiya Ram and 9. Om Prakash Ram @ Bhim Ram @ Rajesh Ram be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – IX, Chapra, District Saran bearing U.T.No. 07 of 2016 in connection with Jalalpur P.S. Case No. 63 of 2015, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

(Rakesh Kumar, J.)

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