

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47534 of 2016

Arising Out of PS.Case No. -164 Year- 2016 Thana -SAHPUR District- BHOJPUR

=====

Raj Balam Ram, Son of Late Kishore Ram, Resident of Village- Kanaili,
P.S.- Shahpur, District- Bhojpur, Ara.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
Mr. Madan Jeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pancha Nand Pandit, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 29-11-2016 Learned counsel for the petitioner submits that

Section 302 of the Indian Penal Code has not been added, as

subsequently the father of the informant has died and seeks

permission to add Section 302 I.P.C.

Permission is accorded.

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since

26.06.2016 in connection with Shahpur P.S. Case No. 164/16 for

offences punishable under Sections 147, 148, 149, 341, 323, 337,

307, 302, 504 of the Indian Penal Code.

The prosecution case is that petitioner along with

other co-accused assaulted the father of the informant with *lathi*,

danda, bricks and stones causing serious injury to him. The

brother of the informant also received injuries. The genesis of the occurrence is old enmity regarding *gairmajarua* land on which both the petitioner side and the informant side have their cattle *nad*.

It has been submitted by the learned counsel for the petitioner that he is innocent, has no criminal antecedent, both sides received injuries and the petitioner side also lodged Shahpur P.S. Case No. 165/16 against the informant side. He submits that the specific allegation is against one Shambhu Ram and that the petitioner is an old person of 65 years. It is submitted that father of the informant, as per the post mortem report, had received one single injury on his head and died due to this injury, which cannot be attributed to the petitioner. It is further submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the petitioner is named in the First Information Report and all the prosecution witnesses in the case diary have supported the prosecution case that there was previous enmity and both sides resorted to brick-batting, blows of *lathi*, *danda* and stones, hence, opposes the prayer for bail.

Considering the fact that there is no specific

allegation against the petitioner, charge-sheet has already been submitted and that petitioner's liberty on bail would not adversely affect his trial, let petitioner, above named, 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 learned Addl. Chief Judicial Magistrate- XV, Bhojpur at Ara, in connection with Shahpur P.S. Case No. 164/16.

This direction of bail is further subject to the condition that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear before the learned Court below as and when directed.

With these observations and directions, the application stands allowed.

(Nilu Agrawal, J.)

Rajesh/-

U		T	
---	--	---	--