

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12484 of 2017

Arising Out of PS.Case No. -149 Year- 2016 Thana -RAGHUNATHPUR District- SIWAN

- =====
1. Lalan Ram S/o Late Sambali Ram
 2. Prem Chand Ram, S/o Lallan Ram
 3. Harishankar Ram, S/o Lalan Ram
 4. Birendra Ram, S/o Prem Chand Ram
 5. Dharmendra Ram S/o Prem Chand Ram
 6. Lalti Devi D/o Prem Chand Ram
 7. Samitari Devi, W/o Suresh Chauhan
 8. Tara Devi, W/o Harishankar Ram All are Resident of Village- Murarpatti, P.S.- Raghunathpur, District- Siwan.
 9. Rajesh Ram, S/o Ramakant Ram, Resident of Village- Jamanpura, P.S.- Raghunathpur, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udit Nr. Singh

For the Opposite Party/s : Mr. Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 01-05-2017 Heard the parties.

The petitioners are apprehending their arrest in connection with A.B.P.No.08 of 2017 arising out of Raghunathpur P.S.Case No.149 of 2016, registered for offences punishable under Sections 302, 307, 323, 120B and 201/34 of the Indian Penal Code.

Allegation against the petitioners is of assault on the deceased.

It is submitted on behalf of the petitioners that there is



delay of three days in lodging of F.I.R. and it is further submitted that though there is allegation of assault on the deceased and daughter of the deceased but the postmortem report is not available on the record. The petitioners have been falsely implicated in this case.

It is also submitted that the deceased died during the course of treatment in the Hospital but even the Doctor has not informed the police rather the fact is that the deceased was an aged person and he died a normal death.

Heard learned A.P.P. also, who has opposed the prayer for bail on the ground that the delay in lodging F.I.R. is due to the fact that parties were ready to settle the matter, as such no case was lodged but later on, no steps were taken by the petitioners for settlement, so the present case has been lodged with delay.

Having heard both sides and in view of the facts and circumstances, as stated above and also in view of allegations, which are general and omnibus in nature and dead body was not even sent for post mortem and the deceased was old aged person, as such, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to



the satisfaction of C.J.M., Siwan in connection with Raghunathpur P.S.Case No.149 of 2016, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the police, otherwise, the prosecution is free to move for cancellation of their bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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