

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38807 of 2018

Arising Out of PS. Case No.-86 Year-2018 Thana- EKMA District- Saran

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1. Bhulawan Ram, son of Lalan Ram @ Lallan Ram
 2. Chhotelal Ram, son of Lalan Ram @ Lallan Ram
 3. Lalan Ram @ Lallan Ram, son of Late Shiv Bhaju Ram
 4. Umesh Ram, son of Sudarshan Ram All above resident of Village- Badheya, Police Station- Ekma, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash, Advocate
For the Opposite Party/s : Mrs. Asha Devi, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-07-2018 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners seek bail in connection with Ekma P.S.

Case No. 86 of 2018 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 448, 379 and 504 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that petitioners along with several others came to the house of the informant, as there was a dispute for way and hand pump and severely assaulted the informant's side. Specific allegation upon petitioner no.1 is that he along with co-accused Dharmendra Ram gave lathi blow on the shoulder of the



informant's nephew, Pawan Rawat. Specific allegation upon petitioner no.2 is of tearing the clothes of Kiran Kumari and the allegation upon petitioner nos. 3 and 4 is of giving threatening to the informant's side.

It has been submitted by the learned counsel for the petitioners that they are innocent, both sides are neighbours and there was dispute between the parties regarding the way and water pump. He submits that petitioners bear no criminal antecedent and that the allegation against petitioner no.1 is of hitting the nephew of the informant, which is not on the vital part of the body. He further submits that petitioners are languishing in judicial custody since 09.05.2018 and are ready to cooperate in the investigation. He further submits that no case under Section 307 of the Indian Penal Code is made out against them.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioners, named above, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Saran at Chapra in connection with Ekma P.S.



Case No. 86 of 2018, subject to the conditions that:

(1) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(2) It is also made clear that if, in future, petitioners indulge in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J.)

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