

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21879 of 2018

Arising Out of PS.Case No. -321 Year- 2017 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

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Rakesh Ram @ Vimal Ram S/o Late Bhagwan Ram, R/o Vill.- Gokhulpur ,
P.S.- Harnaut (Gokhulpur), District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Bijay Kumar, Advocate
Mr. Ashok Kumar, Advocate
For the State : Mr. R.P. Nat, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 01-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 6.10.2017 in connection with Harnaut (Gokhulpur O.P.) P.S. Case No.321 of 2017 for the offences alleged under Sections 147, 148, 149, 307, 341 of the Indian Penal Code and under Section 27 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated and the accusations against him are improbable nor corroborated by the materials. The accusations of gun shot injuries attributed to the assault by co-accused Vivek Ram as well as the petitioner are not supported by the injury report issued by Uma



Hospital which discloses only three lacerated wounds. Though, the injured was first taken to Sadar Hospital, no injury report thereof is available. The fardbeyan has been given after delay of three days on 3.10.2017 for the alleged occurrence of 30.9.2017 without any explanation. The motive of the false implication is that in the past Harnaut P.S. Case No.385 of 2018 had been instituted in which two of the present co-accused persons, namely, Munna Prasad and Anchala Devi had given their depositions indicating the name of informant's husband Dharambir Prasad. The Petitioner claims clean antecedent.

4. Learned A.P.P. assisted by learned counsel for the informant appearing suo mutu opposes the bail petition.

5. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount leach to the satisfaction of learned C.J.M., Nalanda, in connection with Harnaut (Gokhulpur O.P.) P.S. case No.321 of 2017, on the following conditions :

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any



similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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