

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3029 of 2019

Arising Out of PS. Case No.-231 Year-2018 Thana- MAJHAULIA District- West Champaran

1. Sanjay Ram, son of Ramjee Ram, Resident of Village- Parsa tola Mauje, P.S.- Majhualia, District - West Champaran
2. Surendra Ram, son of Mohan Ram, Resident of Village- Parsa tola Mauje, P.S.- Majhualia, District - West Champaran
3. Vijay Ram, son of Mohan Ram, Resident of Village- Parsa tola Mauje, P.S.- Majhualia, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Vinod Gautam, Advocate
For the State	:	Ms.Shaheen Begum, APP
For the Informant	:	Mr. Sanjay Kumar No.7, Advocate
		Mr. Anant Kumar Mishra, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 28-02-2019 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State. Learned counsel for the informant is also present.

The petitioners are in custody in connection with Majhaulia P.S. Case No.231 of 2018 registered for the offences under Sections 341, 323, 324, 307, 376, 511/34 of the Indian Penal Code. However, charge sheet has been submitted under Section 323, 341, 324, 307, 376/511 and 302/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that though the petitioners are named in the F.I.R., the main



allegation of assault is on one Ajay Ram and not these petitioners. It is further submitted that there was some altercation between the parties, but so far as these petitioners are concerned, no specific role has been attributed to them.

Learned counsel for the informant has also opposed the bail application stating that these petitioners were also part of the gang which had intercepted the lady and when her husband came to save her, they were part of the group which had tried to obstruct him from running away.

Diary in the present case was called for, which has since been received.

Learned counsel appearing on behalf of the State submits that had these petitioners not obstructed the deceased from running away, perhaps the occurrence would not have occurred. It is further submitted that in view of their complicity and presence, the present petitioners may not be granted the privilege of bail.

Having heard the learned counsel for the petitioners and having considered all facts and circumstances, it appears that petitioner no.1 has been in custody since 30.06.2018 whereas petitioner nos.2 and 3 have been in custody since 11.09.2018 and that the investigation in this case has now



concluded. It further appears that except one case, being Majhauria P.S. Case No.1 of 2011 for the offence under Sections 323 and 504 I.P.C., the petitioners have no other antecedent.

Having considered the entire facts and circumstances of the case and that the main allegation of assault on the deceased is on Ajay Ram, let the petitioners, above named, be released on bail on their furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, in connection with Majhauria P.S. Case No.231 of 2018, subject to the following conditions:

(1) One of the bailors will be the blood relative of the petitioners, preferably, father, mother, brother, sister and/or their wife.

(2) The petitioners shall not indulge themselves in any similar offence till conclusion of the trial.

(3) The petitioners shall remain physically present in court on each and every date during trial and in the event of their failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the



learned court concerned.

(4) The petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

PNM

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

