

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31411 of 2019**

Arising Out of PS. Case No.-28 Year-2019 Thana- MAJHAULIA District-
West Champaran

- =====
1. BACHAN RAM aged about 35 years, male, Son of Maharaj Ram Resident of Village - Triveni, P.S. - Majhauria, District - West Champaran.
 2. Ravindra Ram @ Ravinder Ram, aged about 27 years, male, Son of Maharaj Ram Resident of Village - Triveni, P.S. - Majhauria, District - West Champaran.
 3. Upendra Ram, aged about 30 years, male, Son of Maharaj Ram Resident of Village - Triveni, P.S. - Majhauria, District - West Champaran.

... .. Petitioners

Versus

The State of Bihar Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 07-08-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 504, 506, 341, 323, 307, 379, 302 of the Indian Penal Code registered in connection with Majhauria P.S. Case No. 28 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of existing dispute with the informant. The brother of the petitioner had instituted Ramgarwa P.S. Case No. 307 of 2018 against the informant and others under Sections 341, 323, 504, 509, 379/34 of the Indian



Penal and Section 3(i)(r)(s)(w) Sc & ST (POA) Act. There is inordinate delay of recording the fardbeyan on 23.12.2018 for the alleged occurrence of 15.12.2018 as well as thereafter in the institution of the F.I.R. on 17.01.2019. It is submitted that there was no injury on the body of the deceased at the time of *inquest report* but the *post mortem* report shows head injury. In any event it is submitted that the accusation of assault on the head is attributed to co-accused Mukti Ram and not the petitioners. It therefore does not support the prosecution story. The petitioners claim clean antecedents.

4. Learned APP on the basis of case diary submits that the inquest report discloses injury marks on the body of the deceased.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhulia P.S. Case No. 28 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors of each of the petitioners



shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate 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.

(iv) That the petitioners 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, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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