

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34869 of 2019

Arising Out of PS. Case No.-50 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

1. Balmiki Ram, Son of Dev Narayan Ram Resident of Village- Bhatwaliya, Police Station- Siwan (Muffasil), District- Siwan
2. Dharmendra Ram Son of Dev Narayan Ram Resident of Village- Bhatwaliya, Police Station- Siwan (Muffasil), District- Siwan
3. Achhelal Ram @ Achhelal Kumar Son of Balmii Ram Resident of Village- Bhatwaliya, Police Station- Siwan (Muffasil), District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 27-06-2019 Learned counsel appearing on behalf of the petitioners seeks permission to withdraw the application filed on behalf of the petitioner No.1, namely, Balmiki Ram and petitioner No.2, namely, Dharmendra Ram as they have already been apprehended by the Police.

In the view of the above submission, the application filed on behalf of No.1, namely, Balmiki Ram and petitioner No.2, namely, Dharmendra Ram is dismissed as withdrawn.

Heard learned counsel appearing on behalf of the petitioner No.3 Achhelal Ram @ Achhelal Kumar and the learned A.P.P. for the State.



The petitioner No.3 apprehends his arrest in connection with Siwan Muffasil P.S. Case no. 50 of 2019, registered under Sections 341, 323, 324, 307 and 504/34 of the Indian Penal Code.

The accusation is that on 25.01.2019 at 6.00 A.M., when the informant was cleaning her door at that time, petitioners having armed with iron rod, dab and lathi came there and started abusing her. When informant made protest then Achhelal Ram (Petitioner No.3) assaulted her by means of lathi. On raising alarm, Raju Kumar and Rvi Shankar Ram, sons of the informant, rushed to save the informant then Achhelal Ram caused blood oozing injury at the head of Ravi Shankar Ram through Dab. At that time, Dharmendra Ram caused blood oozing injury at the head of Rajiv Kumar by means of iron rod.

Learned counsel for the petitioner No. 3 submits that it would appear from the F.I.R. that the allegation has been made against the petitioner to cause injury through Lathi to the informant at her head and through Dab at the head of Ravi Shankar, son of informant, the injury as found on the head of informant is simple in nature, whereas the injury as found on the head of Ravi Shankar opinion has been kept reserved till X-



ray report. Further submission is that while occurrence is of 25.01.2019, but the F.I.R. lodged on 01.02.2019. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner No.3, namely, Achhelal Ram @ Achhelal Kumar, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan in connection with Siwan Muffasil P.S. Case No. 50 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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