

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75897 of 2018

Arising Out of PS. Case No.-210 Year-2018 Thana- ITARHI District- Buxar

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1. Ram Narain Ram @ Ram Narayan Ram.
 2. Tej Narain Ram @ Tej Narayan Ram. Both Sons of Brij Mohan Ram, Resident of Village-Harpur,P.S. Itarhi, Distt.-Buxar.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Binay Kumar, Advocate.

For the Opposite Party : Mr. Vinod Shankar Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 09-04-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are languishing in custody since 14.09.2018 and 19.08.2018 respectively in a case for the offence registered under Sections 341, 323, 447, 379, 504 and 506/34 of the IPC. Later on Sections 307 and 302 of the IPC were also added.

The prosecution story, in brief, is that on 26.07.2018 at about 8.00 A.M., in the morning, informant Gorakh Ram was placing brick at that time Brij Mohan Ram came there and abused and told that the land belongs to him. When informant



protested then petitioners and co-accused named in the F.I.R. caused injury on his head by means of Lathi. When his sons Nagendra Ram and Surendra Ram came to save him then they also caused injury by means of Lathi and Danda. Hari Narayan Ram took away ear ring of his wife. During course of treatment, injured Surendra Ram died on 02.08.2018.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. From perusal of F.I.R., it is evident that the deceased is said to have died due to *Septic Peritonitis*. Admittedly, it is not due to primary haemorrhage rather due to secondary haemorrhage. The post mortem report also does not support the allegation made in the F.I.R.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R./ complaint case.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties



of the like amount each to the satisfaction of the learned C.J.M.
Buxar, in connection with Itarhi P.S. Case No. 210 of 2018.

(Sudhir Singh, J)

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