

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63844 of 2019

Arising Out of PS. Case No.-131 Year-2019 Thana- SUGAULI District- East Champaran

1. CHHATHU RAM S/o Late Badri Ram Resident of Belwatia, Sukul Pakad, Kachaharia Tola, P.S.- Sugauli, District- East Champaran
2. Suresh Ram S/o Late Raghubir Ram Resident of Belwatia, Sukul Pakad, Kachaharia Tola, P.S.- Sugauli, District- East Champaran
3. Umesh Ram S/o Late Bagar Ram Resident of Belwatia, Sukul Pakad, Kachaharia Tola, P.S.- Sugauli, District- East Champaran
4. Subhash Ram S/o Late Sukhal Ram Resident of Belwatia, Sukul Pakad, Kachaharia Tola, P.S.- Sugauli, District- East Champaran
5. Rajesh Ram S/o Rajendra Ram Resident of Belwatia, Sukul Pakad, Kachaharia Tola, P.S.- Sugauli, District- East Champaran
6. Ajay Ram S/o Mahendra Ram Resident of Belwatia, Sukul Pakad, Kachaharia Tola, P.S.- Sugauli, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 25-10-2019 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, 341, 323, 324, 325, 307, 354, 379 and 504 of the Indian Penal Code, registered in connection with Sugauli P.S.Case No. 131 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute between the parties,



who are agnates. Specific accusation of assault with knife is against co-accused Vikram, while Umesh Ram, petitioner no.3 is said to have assaulted the informant with iron rod. The petitioners are alleged to have variously assaulted and fired, but in any event the injury is simple in nature caused by hard and blunt object. There is delay in lodging of the FIR on 02.04.2019 for the alleged occurrence of 27.03.2019. The petitioners claim clean antecedents.

4. Considering the specific accusation of assault by petitioner no.3, namely, Umesh Ram on the hand of the informant Sharda Devi, who has suffered grievous injury, this Court is not inclined to grant the privilege of anticipatory bail to the said petitioner. The petition as against him stands dismissed.

5. As regards petitioner nos. 1, 2, 4, 5 and 6, in the event of their arrest or surrender before court below within six weeks from the date of communication of this order, let them 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Sugauli P.S. Case No. 131 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 shall be a close relative of the petitioners (except petitioner no.3).

(ii) That the petitioners (except petitioner no.3) shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioners (except petitioner no.3) 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.

(iv) That the petitioners (except petitioner no.3) 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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