

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7082 of 2020

Arising Out of PS. Case No.-326 Year-2019 Thana- SONEPUR District- Saran

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1. Premi Ram @ Prem Chandra Ram, Son of Doti Ram, Resident of Village - Ismail Chak, P.S. and P.O.- Sonepur, Dist.- Saran, Bihar.
 2. Sanjay Ram @ Sanjay Kumar Ram, Son of Premi Ram, Resident of Village - Ismail Chak, P.S. and P.O.- Sonepur, Dist.- Saran, Bihar.
 3. Hari Ram @ Hari Narayan Ram, Son of Premi Ram, Resident of Village - Ismail Chak, P.S. and P.O.- Sonepur, Dist.- Saran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Chhaya Kirti, Advocate

Mr. Saket Anand, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 30-06-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Sonpur P.S. Case No.326 of 2019 registered for



the offence punishable under Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution is that the accused persons have assaulted the informant by means of *Farsa* on his head and also his brother, as a result of which the informant's brother became unconscious. Nine persons, including the petitioners, have been named as assailants in the F.I.R.

It is submitted by the petitioners' counsel that petitioner Nos.1, 2 and 3 are father and two sons respectively. The allegation of assault by means of *Farsa* is on co-accused Golu Kumar. The petitioners are having no concern with co-accused Golu Kumar, Rahul Kumar, Lal Babu Ram and Kushum Devi and have been roped in in this case on account of village politics. The injuries inflicted by the petitioners are said to be simple in nature. The petitioners are having no criminal antecedents. There is subsisting dispute in the families for a small piece of land in between their houses.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, this Court is inclined to allow petitioners' prayer for grant of anticipatory



bail.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, 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 A.C.J.M.-I, Saran, in connection with Sonpur P.S. Case No.326 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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