

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16929 of 2020

Arising Out of PS. Case No.-69 Year-2019 Thana- HUSSAINGANJ District- Siwan

1. SAIENDRA RAM @ SHAIENDRA RAM Son of Gautam Ram Resident of Village - Harihans, Police Station - Hussainganj, District - Siwan.
2. Sachin Ram Son of Gautam Ram Resident of Village - Harihans, Police Station - Hussainganj, 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.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Mrs. Anita Kumari Singh, the learned A.P.P. appearing for the State.

The petitioners apprehend their arrest in connection with Hussainganj P.S. Case No. 69 of 2019 for the offence punishable under Sections 341, 342, 323, 324, 307 and 34 of the Indian Penal Code.

The case of the prosecution in brief is that on



12.03.2019, the marriage of the daughter of the brother of the informant was taking place and during the course thereof, a barat party had arrived at about 8: P.M. and after dinner, the Barati (visitors) had gone to the place where their living arrangement had been made. It is further alleged that the son of the informant namely Jitendra Ram had taken food to be served to the Barat party and in the meantime, the co-accused person namely Mantu Ram had called Jitendra Ram and taken him somewhere along with the petitioners herein and then it is alleged that the said co-accused person had abused and assaulted him while the other co-accused person Mantu Ram had given a knife blow on the person of Jitendra Ram.

The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and are having a clean antecedent. It is further submitted by referring to the impugned order dated 13.01.2020 that the learned court below has clearly recorded therein that the statement of the injured Jitendra Ram clearly shows that while the co-accused persons namely Afroz and Haider had caught hold of the said Jitendra Ram, the co-accused person namely Mantu had inflicted knife blow, however, there is no specific allegation of any sort of overt act as against the petitioners



herein.

The learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the petitioners and taking into account the fact that there is no allegation of any sort of overt act as against the petitioners herein, apart from the fact that the petitioners are having clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioners, above-named, are directed to be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan, in connection with Hussainganj P.S. Case No. 69 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

(Mohit Kumar Shah, J)

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