

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24138 of 2020

Arising Out of PS. Case No.-149 Year-2019 Thana- BARHARIA District- Siwan

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RAMA SHANKAR RAM Son of Late Pitambar Ram Resident of Village -
Basawan Bari, Police Station - Barharia, District - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 01-12-2020 Heard Mr. Bijay Prakash Singh, learned counsel for

the petitioner and Mr. Nawal Kishore Prasad, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

Petitioner seeks regular bail in connection with

Barharia P.S. Case No. 149 of 2019 registered for the offences

punishable under Sections 147, 148, 149, 341, 323, 307 and 302

of the Indian Penal Code 1860.

The allegation as per the First Information Report is

that the petitioner along with other co-accused persons assaulted

the husband of the informant and other family members with

lathi, danda, sword etc. There is specific allegation of assault

against the petitioner in the First Information Report by means

of *lathi* on the head of the deceased.



Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and altogether seven persons including petitioner have been made accused in the present offence. Learned counsel further submits that general and omnibus allegation has been levelled against the petitioner. Learned counsel also submits that from perusal of the postmortem report, it would be evident that there is abrasion on the shoulder of the deceased and the Doctor has opined the cause of death as brain haemorrhage due to shock and no external injury has been found on the person of the deceased, except abrasion on his shoulder. The statement of injured witness was recorded who has not levelled specific allegation of assault against the petitioner. Learned counsel next submits that similarly situated co-accused Sunil Ram has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 3357 of 2020.

Having heard learned counsel for the parties and taking into consideration the materials on record, the fact that there is general and omnibus allegation against the petitioner and similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court, I am inclined to grant regular bail to the petitioner.



Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Barhariya P.S. Case No. 149 of 2019.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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