

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17138 of 2021

Arising Out of PS. Case No.-150 Year-2020 Thana- MOHAMMADPUR District- Gopalganj

1. KRISHNA RAM Son of Late Dhana Ram R/o Village - Majhwaliya, P.S. - Mohammadpur, Dist. - Gopalganj.
2. MANAGER RAM Son of Late Dhana Ram R/o Village - Majhwaliya, P.S. - Mohammadpur, Dist. - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Uday Pratap Singh
For the Informant	:	Mr. Sumit Shekhar Pandey
For the Opposite Party/s	:	Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 31-08-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioners and learned
A.P.P for the State.

The petitioners seek bail in Mohammadpur P.S. Case
No. 150 of 2020, registered for the offence punishable under
Sections 307, 302 and other allied sections of the Indian Penal
Code.

As per the prosecution case, goat of one Vyas Ram
grazed the paddy crop of informant's uncle namely Ram Nath
Ram, thereafter, his aunt Chandrawati Devi went to the house of
Vyas Ram and made complaint. In the meanwhile,



altercation took place among lady members of both parties. Thereafter, at 8.00 pm, all the FIR named accused persons including this petitioner having variously arrived at the house of informant and Krishna Ram (petitioner) assaulted the brother of informant namely Santosh Ram with Farsa on his head, as a result of which he sustained head injuries and he succumbed to the injuries and other family members also received injuries. Petitioner no. 2 alleged to have assaulted the uncle of informant namely, Kanhaiya Ram with Farsa on his shoulder, causing cut injury.

It is submitted on behalf of the petitioners that there is case and counter case and dispute arose between the parties over grazing the field by goat of Vyas Ram, as a result of which free fight took place between the parties. Petitioner no. 1 alleged to have given Farsa blow on the head of informant's brother and petitioner no. 2 is alleged to have given Farsa blow on the shoulder of informant's uncle. Occurrence took place on the spur of moment and there was no intention to kill the brother of informant. Petitioners are in custody since 17.07.2020 having no criminal antecedent.

Counsel for the informant however, vehemently opposed the prayer for bail and submitted that there is specific



allegation of giving Farsa blow against petitioner no. 1 on the head of brother of informant Santosh Ram (deceased) as a result of which Santosh Ram died and against petitioner no. 2 of giving Farsa blow on the shoulder of informant's uncle.

Considering the facts aforesaid and nature of allegation and the fact that there is direct and specific allegation against petitioners causing death of informant's brother, I am not inclined to enlarge the petitioners above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

vinita/-

U		T	
---	--	---	--

