

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32838 of 2021

Arising Out of PS. Case No.-133 Year-2020 Thana- KUTUMBA District- Aurangabad

Bineet Ram Son of Mandeo Ram Resident of Village - Samda (Ibrahimpur),
P.S.- Kutumba, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kutumba (Aurangabad) P.S. Case No. 133 of 2020 instituted for
the offences under Sections 147, 148, 149, 302 and 506 of the
Indian Penal Code and Section 3 of the Prevention of Witch
Practices Act, 1991.

Learned counsel for the petitioner submits that the
petitioner is in custody since 14.08.2020, charge-sheet has been
submitted in the case and is a person with clean antecedent.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant alleges that petitioner along with
other accused persons, 17 in number, had threatened Jagdish



Ram (deceased) on 10.08.2020 of dire consequences and subsequently on the date of occurrence, i.e., on 13.08.2020 all the accused persons caught hold of the deceased and assaulted him. It is further alleged that co-accused namely, Uday Ram, Vineet Ram (petitioner), Sudama Ram and Ravindra Ram assaulted the father-in-law of the informant by means of *gandasa* and *tangi* due to which he died.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant is not an eye-witness to the occurrence as the present case has been instituted on the ground that a death had taken place in the village and the deceased was held responsible as the villagers thought that he is an *Ojha*.

Learned counsel further submits that though in the F.I.R. it is alleged that four persons assaulted but the informant is not an eye-witness as such it is difficult to believe at this stage that what has been alleged in the F.I.R. is true. Learned counsel further submits that some of the co-accused have been granted bail by this Court.

Learned counsel for the petitioner further submits that he has specifically pleaded in paragraph '9' of the petition that petitioner was arrested from his house while he was sleeping as



such if he had committed the occurrence he would have been on run and would not have been sleeping in his house.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 14.08.2020, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-XII, Aurangabad in connection with Kutumba (Aurangabad) P.S. Case No. 133 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. with a condition that in the event the petitioner does not appear on two consecutive dates, the learned court below will be at liberty to cancel his bail bonds.

(Satyavrat Verma, J)

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