

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37264 of 2021

Arising Out of PS. Case No.-188 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Ramdhani Ram Son of Narayan Ram Resident of Village - Nadiyama, P.S.-
Ramgarh Chowk, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-12-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Lakhisarai P.S. Case No. 188 of 2020 instituted for the offences
under Sections 147, 149, 341, 323, 307, 504 and 302 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 11.09.2020, is a person with clean
antecedent and charge-sheet has been submitted in the case.

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 on 28.03.2020 at about
3.00 pm he was taking bath at his hand pump then his co-sharer
Ramdhani Ram (petitioner) came there abusing him and said
that water percolates in his safety tank from the hand pump of



the informant upon which there was a dispute and an altercation took place. Thereafter it is alleged that F.I.R. named accused persons including Sonu Ram and two other unknown came to the house of the informant and started abusing and assaulting him. On seeing this, father of the informant came and intervened in order to save the informant thereafter it is alleged that Sonu Ram and Ramdhani Ram assaulted the father of the informant with an iron rod on his head with an intention to kill while others named accused persons assaulted with *lathi* and also assaulted the informant and his mother. It is further alleged that on *hulla* being raised, the accused persons fled away and his father who had sustained injury was taken to Sadar Hospital, Lakhisarai for treatment from where he was referred to PMCH but due to non-availability of transport, his father died at a private hospital at Lakhisarai.

Learned counsel for the petitioner submits that specific allegation of assault on the father of the informant is against Sonu Ram and Ramdhani Ram. Learned counsel submits that Sonu Ram has been granted bail vide order dated 27.09.2021 in Cr. Misc. No. 12005 of 2021. Learned counsel relies on the order dated 27.09.2021 to submit that the Court while granting bail had recorded that two persons allegedly



caused injury on the head of the deceased. Other allegations are against other accused persons. The doctor has found abrasions on other parts and one stitched wound at the parietal region. The head injury was the cause of death.

Learned counsel for the petitioner submits that Sonu Ram was granted bail on the submission that allegation is against two persons of causing single injury which caused death hence it is difficult to attribute against one of the two to have caused that injury. Learned counsel further submits that from perusal of the postmortem report it would manifest that the doctor has recorded five injuries but three are in nature of abrasion, one is a stitched wound on the head and one is swelling on the left side of the scalp. Learned counsel submits that had the deceased been hit by an iron rod as alleged then there would have been a fracture but since one of the wounds is swelling that may be perhaps of the assault made by other accused persons on the head by *lathi* as such for the present it is difficult to allege with certainty that it was this petitioner whose assault led to the stitched wound on the parietal region.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for regular bail of the petitioner. Learned counsel for the informant submits that



the informant had specifically alleged against the two accused persons of assaulting his father by an iron rod.

Considering the fact that the petitioner is in custody since 11.09.2020, charge-sheet has been submitted in the case, the petitioner is a person with clean antecedent and co-accused has been granted bail as aforesaid, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 188 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. with a condition that the petitioner will keep marking his attendance in the concerned police station in between 20th to 25th of every month commencing from January, 2022 till framing of the charges and in the event it is reported to the learned court below that the petitioner in any of the month in between the aforesaid dates has not marked his attendance before framing of charges, the court below shall be at liberty to cancel his bail bonds.

(Satyavrat Verma, J)

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