

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37507 of 2021

Arising Out of PS. Case No.-197 Year-2019 Thana- BHORE District- Gopalganj

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1. Kamal Ram Son of Bidyasagar Ram Resident of Village- Ramnagar, Police Station- Bhore, District- Gopalganj.
 2. Rabri Devi Wife of Bidyasara Ram Resident of Village- Ramnagar, Police Station- Bhore, District- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh
For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 21-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Bhore P.S. Case No. 197 of 2019, G.R. No. 1747 of 2019 corresponding to Sessions Trial No. 127 of 2020, registered for the offence under Sections 341, 323, 324, 307 and 304 of the Indian Penal Code and later on, Section 302 of the Indian Penal Code was added.

As per the prosecution case, on 09.06.2019 at about 8:00 PM, the wife and sister-in-law of informant went outside for defecation, co-accused Nagendra Ram tried to tease them, but anyhow, they managed to come to their house and narrated the story to family members. In the meanwhile, co-accused Nagendra Ram and other FIR named accused, including this



petitioner, came there variously armed and co-accused Nagendra Ram assaulted with *farsa* on the head of Surendra Ram, who sustained head injury and subsequently died. Petitioner no. 1 is alleged to have assaulted nephew of informant with *Tangi*, as a result of which, he sustained head injury.

It is submitted on behalf of petitioners that petitioners are not the assailant of the deceased. Only allegation against petitioner no. 1 is that he assaulted Lalu Ram (informant's nephew) with *Tangi* on his head, but no injury report in respect of Lalu Ram is available on record. So far as petitioner no. 2 is concerned, there is no allegation against her. It is further submitted that co-accused Bidya Sagar Ram and Neta Ram @ Dineshwar Ram have already been granted bail by this Hon'ble Court, vide order dated 27.02.2020 passed in Cr.Misc. No. 7239 of 2020 and order dated 06.04.2021 passed in Cr. Misc. No. 26084 of 2020 respectively. Petitioners have clean antecedent and are in custody since 16.02.2021. Chargesheet has been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioners is allowed. Let the above named



petitioners be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, Gopalganj in connection with Bhore P.S. Case No. 197 of 2019, G.R. No. 1747 of 2019 corresponding to Sessions Trial No. 127 of 2020, on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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