

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 30687 of 2020

Arising Out of PS Case No.-127 Year-2020 Thana- SAKRA District- Muzaffarpur

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1. Sushila Devi, aged about 42 years, Female, Wife of Shri Ganesh Ram.
 2. Pooja Devi, Female, aged about 18 years, Wife of Shri Lakhindra Ram.
 3. Jitni Devi, Female, Aged about 50 years, Wife of Shri Suresh Ram.
 4. Sonu Kumar, Male, aged about 20 years, Son of Shri Ganesh Ram.
 5. Dharmendra Ram, Male, aged about 18 years, Son of Shri Suresh Ram.
 6. Ganesh Ram, Male, Aged about 45 years, Son of Shri Singheshwar Ram.
All resident of Village- Pulkigajpatti Tola, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate with Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 30-01-2021

Heard Mr. Ajay Kumar Thakur, learned counsel along with Ms. Vaishnavi Singh, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Sakra PS Case No. 127 of 2020 dated 06.04.2020, instituted under Sections 147, 148, 149, 341, 323, 307, 325 and 302 of the Indian Penal Code.



3. The allegation against the petitioners, along with others, is that three named accused dragged the father of the informant and started assaulting him with iron rod and *lathi* and against co-accused Suresh Ram, not before this Court, the specific allegation is that he repeatedly assaulted on the head causing injury which ultimately led to death of the father of the informant.

4. Learned counsel for the petitioners submitted that the postmortem report discloses two injuries, both on the head, which are directly attributable to co-accused Suresh Ram and not the petitioners. It was submitted that there is general and omnibus allegation of assault but no injury has been found on any other part of the body and even with regard to the allegation against petitioner no. 3, the only semblance of the specific allegation is that he along with two other co-accused dragged the father outside and he also assaulted with *lathi*. Learned counsel submitted that this assault is belied by the finding in the postmortem report. Learned counsel submitted that both the parties are neighbours and there is land dispute and there may have been a scuffle but the allegations are exaggerated, especially against the petitioners. It was submitted that the petitioners have no criminal antecedent.

5. Learned APP submitted that the petitioner no. 5 also assaulted and there is general allegation of assault. However, in



view of the copy of the postmortem report being on record, he did not controvert that no injury has been found on any other part of the body and the two injuries on the head are specifically attributed to co-accused Suresh Ram, who is said to have given repeated blows on the head of the deceased.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Judge XIII cum Additional Chief Judicial Magistrate, IV, Muzaffarpur in Sakra PS Case No. 127 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners and they shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or failure to co-operate shall lead to cancellation of their bail bonds.



7. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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