

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31814 of 2020

Arising Out of PS. Case No.-526 Year-2019 Thana- MAJHAULIA District- West Champaran

1. Pradeep Ram @ Ramayan Ram, 40 Y/M, son of Late Sampurna Ram @ Sanful Ram,
2. Gulshan Kumar @ Pappu Ram, 20 Y/M, son of Sri Pradeep Ram,
3. Rajesh Ram @ Sandhu Ram @ Sadhu Ram, 30 Y/M, son of Late Sheshman Ram,
All resident of Village- Jaukatia, Teliya Tola, P.S.- Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 26-03-2021

Heard Mr. Umesh Chandra Verma, learned counsel for the petitioners and Mr. Dashrath Mehta, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Majhauria PS Case No. 526 of 2019 dated 06.10.2019, instituted under Sections 341, 323, 324, 354-B, 447, 448, 379, 504/34 of the Indian Penal Code.

3. The allegation against the petitioners is general and omnibus and specifically against the petitioner no. 1 that he was



the order giver; petitioner no. 2 of tearing the clothes of the informant's daughter and against petitioner no. 3 of assaulting with *Dabiya* on the head of the son of the informant.

4. Learned counsel for the petitioners submitted that there is land dispute which is admitted in the FIR itself and actually the informant's side was the aggressor for which the petitioner no. 1 has lodged Majhulia PS Case No. 513 of 2019 on 01.10.2019 itself i.e., the date of occurrence even for the present case, but the present case has been lodged after six days on 06.10.2019. Learned counsel submitted that the injuries are very minor and simple in nature and there is no explanation why after six days the FIR was lodged, which clearly has been done to somehow create a defence to get over the case filed by the petitioner no. 1 against the informant's husband and sons. Learned counsel submitted that the petitioners do not have any criminal antecedent.

5. Learned APP, from the case diary, submitted that there is allegation of assault and also trying to outrage the modesty by tearing clothes. However, it is not controverted that injuries are mild abrasion and simple in nature.

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 Chief Judicial Magistrate, West Champaran at Bettiah, in Majhaulia PS Case No. 526 of 2019, 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 (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the



petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

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

(Ahsanuddin Amanullah, J)

J. Alam/-

AFR/NAFR	
U	
T	

