

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34524 of 2020

Arising Out of PS. Case No.-169 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

1. Bhola Ram, aged about 62 yeas, Gender-Male, son of Ramnath Ram
 2. Sandesh Ram @ Sandesh Kumar Ram, aged about 25 years, Gender-Male, son of Bhola Ram
- Both are resident of Village - Nawagaon, P.S. - Buxar District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate with Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Umanath Mishra, APP
For the Informant	:	Mr. Abhijeet Gautam, Advocate

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

ORAL JUDGMENT

Date : 13-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Krishna Prasad Singh, learned senior counsel along with Mr. Bhaskar Shankar, learned counsel for the petitioners; Mr. Umanath Mishra, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Abhijeet Gautam, learned counsel for the informant.

3. The petitioners apprehend arrest in connection with Buxar (Muffasil) PS Case No. 169 of 2020 dated 01.06.2020, instituted under Sections 307, 147, 148, 149, 341, 323, 504, 506 of the Indian Penal Code to which later on Section 302 was added.



4. The allegation against the petitioners is of assault on the informant and three other persons which also resulted in the death of Rajesh Ram.

5. Learned counsel for the petitioners submitted that though the allegation is general and omnibus of assault on the informant and three others, but the injury on all the persons has been found to be simple in nature and on Rajesh Ram, who later succumbed to his injury, only one wound on the head has been found which is the cause of death. Thus, it was submitted that the petitioners against whom there is no specific overt act alleged coupled with the fact that they have no criminal antecedent, may be granted indulgence.

6. Learned APP submitted that the allegation is of assault on four persons. However, in view of the postmortem report and injury reports being brought on record, it was not controverted that death was only due to one injury on the head and the injuries on other persons are simple in nature.

7. Learned counsel for the informant submitted that the petitioners were also among the six persons who had assaulted and, thus, there was common intention.

8. 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, Buxar in Buxar (Muffasil) PS Case No. 169 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 (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.

9. 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.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

