

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1394 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- ARER District- Madhubani

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1. SHIV NANDAN RAM SON OF MOTI RAM RESIDENT OF VILLAGE - NAVKARAH, P.S.-ARER, DISTRICT-MADHUBANI
 2. PARIKSHAN RAM SON OF LATE MOHAN RAM RESIDENT OF VILLAGE - NAVKARAH, P.S.-ARER, DISTRICT-MADHUBANI
 3. SOMAN RAM SON OF SRI FEKAN RAM RESIDENT OF VILLAGE - NAVKARAH, P.S.-ARER, DISTRICT-MADHUBANI
 4. FEKAN RAM SON OF LATE MOHAN RAM RESIDENT OF VILLAGE - NAVKARAH, P.S.-ARER, DISTRICT-MADHUBANI
 5. SAROJ RAM SON OF LATE GANGAI RAM RESIDENT OF VILLAGE - NAVKARAH, P.S.-ARER, DISTRICT-MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivam
For the Opposite Party/s : Mr. Anant Kumar I

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-04-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceeding.

The petitioners seek bail in connection with Arer P.S. Case No.72 of 2020 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 376, 511, 448, 504 of the Indian Penal Code.

As per the prosecution case, it is alleged that two persons namely Sonu Kumar and Sumit Ram came to the house of the informant and finding no guardian present in the house, tried to



do wrong act with the cousin sister of informant and upon alarm raised by her Shankar Ram and Shivilal Ram came running there upon which both the accused started assaulting them with rod. In the meantime, these petitioners also came there armed with lathi, danda and rod and assaulted them badly. On the intervention of the villagers, the injured were brought for treatment who sustained severe injuries as a result of the assault.

It is submitted by learned counsel for the petitioners that the petitioners are innocent, have been falsely implicated in this case and have not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. There is case and counter-case between the parties and both sides have sustained injuries. There is no specific allegation against the petitioners rather the same are general and omnibus in nature. The petitioners have been implicated in this case due to earlier dispute and enmity. The girl in her statement under section 164 Cr.P.C. has not alleged that anyone tried to misbehave with her rather she has stated that while she was listening music Sonu Ram and Sumit Ram came, caught hold her hand and asked as to why she was playing music on such loud voice. The petitioners have no criminal antecedent. Petitioner no.1 to 3 are languishing in custody since 04.07.2020 and petitioner no. 4 and



5 are in custody since 06.06.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Arer P.S. Case No.72 of 2020.

(Anjani Kumar Sharan, J)

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