

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38780 of 2020**

Arising Out of PS. Case No.-118 Year-2020 Thana- SHAMBHUGANJ District- Banka

BABLU RAM Son of Late Ajablal Ram Resident of Village- Badi Khajuri,
P.S.- Shambhganj, District- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha,Advocate

For the Opposite Party/s : Mr.Md.Fahimuddin,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 14-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Shambuganj P.S. Case No. 118 of 2020 registered for the offences punishable under Sections 341, 323, 307, 504, 506/34 and 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, Roshan Ram and Bablu Ram (this petitioner) came at the house of the informant and started abusing him. When the informant forbade them not to abuse him they started assaulting him with lathi/danda. In the meantime, the brother of the informant came to save him, Roshan Ram assaulted the brother of the informant on



his head and he died in course of treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no specific allegation of causing assault against the petitioner. The petitioner is in custody since 12.05.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein learned counsel for the petitioner submits and the same has been endorsed by learned APP for the State that the specific allegation of commission of overt act is against co-accused Roshan Ram, So far as the present petitioner is concerned, though it is alleged that he was also involved in the quarrel but there is no allegation of giving assault. The petitioner has otherwise no criminal and has remained in jail in connection with the present case since 12.05.2020, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Banka in connection with Shambhuganj P.S. Case No. 118 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

