

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12830 of 2021**

Arising Out of PS. Case No.-188 Year-2020 Thana- LAKHISARAI District- Lakhisarai

1. BHARAT RAM S/o Narayan Ram R/o village- Nadiyawan, P.S.- Ramgarh Chowk, District- Lakhisarai
2. Kundan Ram @ Kundan Kumar S/o Bharat Ram R/o village- Nadiyawan, P.S.- Ramgarh Chowk, District- Lakhisarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar,Advocate

For the Opposite Party/s : Ms.Asha Devi,APP

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

2 15-06-2021 Learned counsel for the petitioners 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 petitioners and Ms. Asha Devi, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Lakhisarai (Ramgarh Chowk) P.S. Case No. 188 of 2020 registered for the offences punishable under Sections 147, 149, 341, 323, 307, 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution story an altercation took place between the informant and his co-sharer Ramdhani Ram. Thereafter Ramdhani Ram, Sonu Ram, Bharat Ram, Jagdambi Ram, Kundan Ram, Sujeet Ram and two other unknown persons entered the house of the informant and



started abusing and assaulting him whereupon the father of the informant came to rescue him who was also assaulted by Sonu Ram and Ramdhani Ram with an iron rod on his head as a result of which head of the father of the informant was fractured and he fell down. The mother of the informant was also assaulted.

Learned counsel submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that there is no specific allegation against these petitioners of causing assault to the father of the informant and the specific allegation is against co-accused Sonu Ram and Ramdhani Ram. So far as the informant and his mother are concerned, they have not received any injury. The petitioners are in custody since 14.10.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that in the First Information Report the specific allegation of causing assault is against the co-accused Sonu Ram and Ramdhani Ram who had allegedly assaulted the deceased by iron rod and it is the case of the informant that because of the iron rod injury the head of his father was fractured and he had fell down, further submission that so far as the informant and his mother are concerned, they have not received any injury, there being no specific allegation against these petitioners



of causing assault to the father of the informant and the fatal blow have been specifically assigned to co-accused, the petitioners have otherwise no criminal antecedent, investigation against them is complete and they are said to be in custody since 14.10.2020, this Court directs release of the petitioners above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Ramgarh Chowk) P.S. Case No. 188 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the



petitioners. 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'.

