

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6644 of 2021

Arising Out of PS. Case No.-127 Year-2020 Thana- SAKRA District- Muzaffarpur

- =====
1. Suresh Ram S/O Shri Singheshwar Ram
 2. Indal Ram S/O Shri Suresh Ram
 3. Lakhindra Ram S/O Shri Suresh Ram
- All residents of Village Pilkhigajpatti Tola, P.S.-Sakra, Distt-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Adv.
For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 28-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Sakra P.S. Case No.127 of 2020 registered under sections 302, 307, 147, 148, 149, 341, 323 and 325 of the Indian Penal Code.

As per allegation in the F.I.R., it is stated by the informant that he had gone to ask for a sum of Rs.50/ which was due and payable to him as the arrears of the milk supplied by him at the time of marriage. He was not given the amount. Subsequently, at night, nine named accused persons including the three petitioners herein being variously armed came at his



house. It is stated that accused Indal Ram, Dharmendra Ram and Lakhindra Ram pulled his father out and started to assault him. Suresh Ram struck his father with a sword repeatedly on his head as a result of which he fell down injured. At this time, Suresh Ram struck the informant's brother with sword on his head. He also fell down unconscious.

It is submitted by learned counsel for the petitioners that the allegations levelled in the F.I.R. are false and concocted. The petitioners have been falsely implicated in the case. Referring to the post-mortem report, it is submitted that against the allegations of repeated assault by sword, only one stitch wound has been found and that too is stated to have been caused by hard and blunt object. Thus, it is submitted that post-mortem report does not support the allegation in the F.I.R. It is further submitted that no injury report has been brought in the case diary. Six other co-accused including Sonu Kumar, Dharmendra Ram and Ganesh Ram have been enlarged on anticipatory bail vide order dated 30.1.2021 passed in Cr. Misc. no.30687 of 2020. The petitioner no.1 is in custody since 20.5.2020 and petitioner nos.2 and 3 are in custody since 8.4.2020. They have no criminal antecedent.

The application for bail is opposed by learned A.P.P.



for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the submissions made on behalf of the petitioners, the contents of the post-mortem report, grant of anticipatory bail to the co-accused and the petitioners having remained in custody for over 1 year, the petitioners are directed to be enlarged on bail in connection with Sakra P.S. Case No.127 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Judge 13th -cum-Additional Chief Judicial Magistrate IV, Muzaffarpur.

(Partha Sarthy, J)

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