

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10568 of 2022**

Arising Out of PS. Case No.-264 Year-2018 Thana- RAMGARHWA District- East
Champaran

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1. BHOLA RAM SON OF VISHWANATH RAM R/O VILLAGE-YOGWALIYA, P.S.- RAMGARHWA, DISTRICT- EAST CHAMPARAN
 2. LAL BABU RAM SON OF VISHWANATH RAM R/O VILLAGE-YOGWALIYA, P.S.- RAMGARHWA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar

For the Opposite Party/s : Mr.Amitesh Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 05-07-2022 Learned counsel for the petitioners is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 302/34 of the Indian Penal Code

There is specific allegation against the co-accused, Bhola Ram, of causing Gandasa injury on neck of son of the informant on account of which he died while being taken to hospital. Postmortem report has been enclosed as Annexure- 2,



wherein, doctor has found one incised injury on neck of the deceased caused by sharp cutting weapon. Cause of death has been said to be aforesaid injury, which was caused within twelve hours.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners have clean antecedent as stated at para 3 of the bail petition. The petitioners and co-accused persons are said to be seen running away from the place of occurrence. The petitioners are in custody since 17.08.2021.

Learned A.P.P. for the State has opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances, the petitioner No.2, Lal Babu Ram, is directed to be enlarged on bail on his furnishing bail-bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran, in connection with Ramgarhwa P.S. Case No. 264 of 2018, with a condition that the petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of



the petitioner will liable to be cancelled.

So far as bail petition as against petitioner No.1, Bhola Ram is concerned, there is specific allegation of inflicting Garasa blow, I am not inclined to grant regular bail to the petitioner, therefore, the prayer for regular bail of petitioner No.1, Bhola Ram, is rejected.

However, the trial Court is directed to expedite the trial and conclude the same within a period of six months. If the trial is not concluded within a period of six months, the petitioner No.1 may renew his prayer for bail.

The application stands allowed.

(Chandra Prakash Singh, J)

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