

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13705 of 2022

Arising Out of PS. Case No.-97 Year-2020 Thana- KHODAWANDPUR District- Begusarai

RAM KUMAR RAM Son of Dhanik Ram Resident of Village - Bajitpur, P.S.-
Khodawanpur (Chhaurahi O.P.), Distt.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22111 of 2022

Arising Out of PS. Case No.-97 Year-2020 Thana- KHODAWANDPUR District- Begusarai

RAM KARAN PASWAN @ CHHOKEN PASWAN @ GHOLTAN PASWAN
@ CHHOTKAN PASWAN Son of Rameshwar Paswan Resident of village -
Batraha, P.S.- Khodawandpur (Chhaurahi O.P.), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23042 of 2022

Arising Out of PS. Case No.-97 Year-2020 Thana- KHODAWANDPUR District- Begusarai

JAY RAM DAS @ JAI RAM DAS S/o Late Dhanpat Das R/o village-
Bajitpur, P.S.- Khodawandpur (Chhaurahi O.P.), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 13705 of 2022)

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 22111 of 2022)

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 23042 of 2022)

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate

For the Opposite Party/s : Mr. Rajeev Nayan, APP



CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-08-2022

IN CR. MISC. NO.13705 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Khodawanpur (Chhaurahi O.P.) P.S. Case No. 97 of 2020 registered for the offence under Sections 147, 148, 149, 323, 324, 307 and 379 of the Indian Penal Code and Section 27 of Arms Act and subsequently Section 302 of IPC was added.

The accused/petitioner is named in the F.I.R. and is in custody since 02.12.2021.

The allegation against the petitioner as set out in the FIR, is to assault the informant and his family members, with *lathi, danda, farsa*, rod, etc. along with other co-accused persons, where one of the co-accused, Jai Ram Das, specifically assaulted on the head of wife of the informant by means of '*Farsa*', who subsequently died, during course of treatment.

Learned counsel appearing on behalf of the petitioner submitted that admittedly, as it appears from bare perusal of First Informant Report that there is land dispute between the



parties, having case and counter case, which is the basis of present occurrence. It is submitted that allegation as regard to assault also appearing very general and omnibus against petitioner rather same is, specific against the co-accused, namely, Jai Ram Das to cause fatal assault. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 2621 of 2021 dated 16.06.2021. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that allegation as regard to assault is very much general and omnibus, against petitioner.

Considering the facts and circumstances as mentioned above, as allegation as regard to assault is very much general and omnibus against the petitioner where specific allegation as regard to fatal assault is against co-accused, namely, Jai Ram Das coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Khodawanpur (Chhaurahi



O.P.) P.S. Case No. 97 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Manjhaul, Begusarai/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Mithun Ram, who is the son of the petitioner and deponent of the present bail petition.”

IN CR. MISC. NO.22111 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Khodawanpur (Chhaurahi O.P.) P.S. Case No. 97 of 2020 registered for the offence under Sections 147, 148, 149, 323,



324, 307 and 379 of the Indian Penal Code and Section 27 of Arms Act and subsequently Section 302 of IPC was added.

The accused/petitioner is named in the F.I.R. and is in custody since 02.12.2021.

The allegation against the petitioner as set out in the FIR, is to assault the informant and his family members, with *lathi, danda, farsa, rod, etc.* along with other co-accused persons, where one of the co-accused, Jai Ram Das, specifically assaulted on the head of wife of the informant by means of '*Farsa*', who subsequently died, during course of treatment.

Learned counsel appearing on behalf of the petitioner submitted that admittedly, as it appears from bare perusal of First Informant Report that there is land dispute between the parties, having case and counter case, which is the basis of present occurrence. It is submitted that allegation as regard to assault also appearing very general and omnibus against petitioner rather same is, specific against the co-accused, namely, Jai Ram Das to cause fatal assault. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 2621 of 2021 dated 16.06.2021. While concluding the argument, it is submitted that



investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that allegation as regard to assault is very much general and omnibus, against the petitioners.

Considering the facts and circumstances as mentioned above, as allegation as regard to assault is very much general and omnibus against the petitioner where specific allegation as regard to fatal assault is against co-accused, namely, Jai Ram Das coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Khodawanpur (Chhaurahi O.P.) P.S. Case No. 97 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Manjhaul, Begusarai/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion



of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Ramvilas Paswan, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

IN CR. MISC. NO.23042 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Considering the submissions advanced by learned counsel appearing on behalf of the petitioner, let a legible copy of the complete case diary along with postmortem report be called for in connection with Khodawanpur (Chhaurahi O.P.) P.S. Case No. 97 of 2020 from the court of learned S.D.J.M. Manjhaul, Begusarai/concerned court.

Put up this case on 29.08.2022.

(Chandra Shekhar Jha, J)

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