

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24059 of 2021

Arising Out of PS. Case No.-334 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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RANJEET RAM Son of Late Naresh Ram Resident of Village- Balapur Jhori,
P.S.- Kalyanpur, District- Samastipur, At present residing at Village-
Chakashraf Neerpur, P.S.- Samastipur Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 10-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 12.08.2020, seeks
regular bail in connection with Mufassil P.S. Case No. 334 of
2020 dated 11.08.2020 registered for offences punishable under
Sections 147, 148, 149, 447, 341, 323, 324, 307, 302 and 506 of
the Indian Penal Code.

Prosecution story in brief is that the informant Pankaj
Kumar had gone to plaster the house of Ranjit Ram all the
accused persons named in the FIR including the petitioner
alongwith other named 4-5 accused persons attacked him with



iron-rod. Specific allegation is against co-accused Anil Ram who had assaulted the informant and his brother Birju Ram by means of iron-rod on his head.

Allegation against the petitioner is that he had assaulted by means of handle of hand-pump due to which brother of the informant Birju Ram fell down on the ground. Blood started oozing out and he became unconscious. Other persons named in the FIR were also assaulted and sustained injury of Farsa, Rod and lathi-danda. Injured Birju Ram was brought to Sadar Hospital, Samastipur in his unconscious condition from where doctor had referred him to P.M.C.H. Patna where in course of treatment he succumbed to injuries on 10.08.2020.

Learned counsel appearing on behalf of the petitioner submits that as per the allegation made in the FIR, the informant has alleged that the petitioner by means of handle of hand-pump had assaulted his brother Birju Ram, who succumbed to injuries on 10.08.2020. However, in his further statement recorded in paragraph no. 5 he has alleged Anil Ram had assaulted the informant as well as his brother Birju Ram by means of iron rod. He has referred to paragraph no. 7 of the case diary in which one Paltan Paswan has made his specific statement that



Anil Ram had assaulted the deceased Birju Ram. In paragraph no. 17 of the case diary, one Chandradip Ram, who had also sustained injury has also supported the statement made by the informant that Anil Ram had assaulted by means of iron rod on the head of the deceased Birju Ram. It is further submitted that petitioner has clean antecedent and he is in custody since 12.08.2020. Other co-accused Mohan Ram @ Deepak Ram has been granted bail by a co-ordinate Bench of this Court vide order dated 23.07.2021 passed in Criminal Miscellaneous No. 20133 of 2021. He submits that in absence of any material collected against the present petitioner in course of investigation, the petitioner may be released on bail imposing any terms and conditions by this Court.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that trial has proceeded and prosecution witnesses are to be examined.

Having heard the rival submissions made by the parties, on perusal of allegation made in the F.I.R., and the case diary it appears that witnesses have not seen the petitioner to have assaulted the informant by means of hand pump on the head of his brother Birju Ram, who succumbed to injuries. Informant in his further statement and independent witnesses



have seen co-accused Anil Ram to have assaulted the informant as well as his brother Birju Ram (since deceased) by means of iron rod. The I.O. has collected the material that effect in paragraph nos. 7 and 17 of the case diary. Prima facie it appears that petitioner has made out a case to be released on bail. Other co-accused Mohan Ram @ Deepak Ram has been granted bail by a co-ordinate Bench of this Court vide order dated 23.07.2021 passed in Criminal Miscellaneous No. 20133 of 2021.

The Court below is directed to release the petitioner above named on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IInd, Samastipur in connection with Mufassil P.S. Case No. 334 of 2020 dated 11.08.2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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