

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.266 of 2022

Arising Out of PS. Case No.-241 Year-2020 Thana- HILSA District- Nalanda

1. MAHESH RAM Son of Jhaman Ram Resident of Village- Babhan Bauri Basai, P.S.- Hilsa, District- Nalanda.
2. Umesh Ram @ Shishu Ram Son of Mahendra Ram Resident of Village- Babhan Bauri Basai, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15146 of 2022

Arising Out of PS. Case No.-241 Year-2020 Thana- HILSA District- Nalanda

AKALU RAM son of Late Budhani Ram Resident of Village - Babhan Barui,
Police Station - Hilsa, District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 266 of 2022)

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

(In CRIMINAL MISCELLANEOUS No. 15146 of 2022)

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-07-2022 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary

correction in the main application, has been filed on behalf

of the petitioner, which forms part of this application.



The petitioners seek bail in a case registered for the offence under Sections 341, 323, 504, 379 and 34 of the Indian Penal Code.

The informant alleged that on account of construction of house on a piece of land, scuffle took place between the parties in which the informant and his associates sustained injuries.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that parties are co-villagers and there is land dispute between them and on account of that these petitioners have been made accused in this case. He further submits that it appears from the F.I.R. itself that eleven persons have been made accused in this case with the specific allegation of assault by the deadly weapon but the injury report does not corroborate with the allegation levelled in the F.I.R. He further submits that the entire prosecution version is out and out a false and fabricated one. He further submits that apart from that the petitioners have also lodged an F.I.R. being Hilsa P.S. Case No. 242 of 2020 for the same set of facts against the informant side. He further



submits that nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that the injury report itself falsifies the prosecution version as altogether three injuries are said to have been inflicted to the informant but all of them are opined to be of simple in nature and specifically caused by a hard and blunt substance, therefore, no case under Section 307 of the Indian Penal Code is made out against the petitioners. The petitioners, namely, Mahesh Ram and Umesh Ram @ Shishu Ram are rotting in judicial custody since 21.09.2021 whereas the petitioner, namely, Akalu Ram is languishing in judicial custody since 05.01.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Hilsa P.S. Case No. 241 of 2020 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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