

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22463 of 2022

Arising Out of PS. Case No.-561 Year-2020 Thana- SHASTRINAGAR District- Patna

Pramod Ram S/o Late Bijli Ram R/o Mohalla- P.W.D. Campus Shastri Nagar,
P.S.- Shastri Nagar, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Shraddhanand Paswan, Advocate.

For the Opposite Party/s : Mr.Kalyan Shankar, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

Petitioner seeks regular bail in connection with Shashtri Nagar P.S. Case No. 561 of 2020 registered for the offences under Sections 302, 34 of the Indian Penal Code.

The prosecution's case, in short, is that one Vikky Ram recorded his fardbeyan before Sub Inspector Siya Ram Yadav at PMCH, Patna alleging therein that there was a birthday celebration in his house on 09.12.2020 and at 8:00 PM his brother Rahul Kumar went out of his house for market. Further allegation is that all of the accused persons including the



petitioner who were ambushing alongwith three-four unknown persons confined his brother and assaulted him with brick and stones. It is also alleged that on hearing the screams of his brother the informant came out of his house and saw that all the accused persons including the petitioner and his companions were assaulting his brother with brick and stones and later on he died during course of treatment in PMCH, Patna.

The main submissions advanced by Mr. Shraddhanand Paswan, learned counsel for the petitioner are that the allegation made in the FIR is completely vague and any motive in committing the murder of informant's brother has not been assigned on the part of petitioner and name of the co-accused persons has not been mentioned in the FIR and the FIR has been lodged with delay of three days while admittedly, the informant's statement was recorded at PMCH and the informant had got sufficient opportunity to lodge FIR in respect of the alleged occurrence immediately but he remained silent for some days which shows that the allegation made in the FIR was false and fabricated. Further submission is that co-accused Kallu Ram and Ravi Ram have been considered for regular bail by a co-ordinate bench of this Court vide orders passed in 37821 of 2021 and Cr. Misc. No. 37350 of 2021 respectively and while



granting the privilege of bail to the co-accused persons the bench concerned mainly took into account the defences taken by the present petitioner. Further submission is that petitioner himself surrendered before the Court below and he has been languishing in jail since 23.12.2020 having clean antecedent.

Mr. Kalyan Shankar learned APP appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly taking into account the fact that co-accused persons named Kallu Ram and Ravi Ram carrying similar nature of allegation like the petitioner have been considered for regular bail by a co-ordinate bench of this Court vide orders passed in above-mentioned criminal miscellaneous, therefore, it will not be proper to keep the petitioner behind the bars. Accordingly, he also deserves to the privilege of bail. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Shashtri Nagar P.S. Case No. 561 of 2020.

(Shailendra Singh, J.)

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