

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23938 of 2022

Arising Out of PS. Case No.-185 Year-2021 Thana- PHULPARAS District- Madhubani

Ramesh Kumar @ Ramesh Sah @ Ramesh Kumar Sahu, Son of Ram Narayan Sah @ Ram Narayan Sahu @ Ram Narayan Sahoo, Resident of Village - Bahuarba, P.S.- Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uttam Sahu, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Phulparas P.S. Case No. 185 of 2021, G.R. No. 783 of 2021 registered for the alleged offences under Sections 147, 148, 149, 447, 323, 324, 325, 307, 302, 427 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioner and other co-accused persons, making an unlawful assembly and armed with deadly weapons, assaulted the family members of the informant.



The allegation against this petitioner is that he has fired upon the informant with his gun but he was not put to any harm.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He is no concern with the informant or the petitioner's side and further he has got no concern with the alleged occurrence. The informant and other co-accused persons are having land dispute but there is no land dispute with this petitioner. Moreover, only allegation against this petitioner that he is fired shot from his gun but that shot did not hit any person. So none of the offences as mentioned in the FIR are made out against this petitioner. The petitioner is in custody since 09.05.2021 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has got no criminal antecedent and further considering the submission of charge-sheet as well as the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate-II, Jhanjharpur, Madhubani, in connection with Phulparas P.S. Case No. 185 of 2021, G.R. No. 7832 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be the person, who has sworn the affidavit.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

