

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37350 of 2021

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

RAVI RAM Son of Late Bijli Ram Resident of Village- P.W.D. Campus
Shastri Nagar, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Shastri Nagar P.S.Case No.561 of 2020, registered for the offence under Sections 302 and 34 of IPC.

The prosecution case, in short, is that one Vikky Ram got his fardbeyan recorded by police Sub Inspector Siya Ram Yadav at PMCH, Patna alleging therein that there was a birthday party in his house on 09.12.2020 and at 8.00 PM on 09.12.2020 his brother Rahul Kumar went out of his home for market. Further allegation is that all the accused persons including the



petitioner who were ambushing alongwith 3-4 unknown persons held his brother and assaulted with brick and stones. It is also alleged that 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 associates were assaulting his brother with brick and stones and later on died during course of treatment in PMCH, Patna.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that the date of occurrence as alleged in the FIR is 09.12.2020 but the present FIR has been instituted on 11.12.2020 without giving any explanation of delay. He further submits that it transpires from the FIR that there is general and omnibus allegation against all the accused persons. There is no specific allegation of overt-act against the petitioner. He further submits that the police, after investigation, submitted chargesheet against the petitioner on 04.03.2021 and co-accused, namely, Kallu Ram has been granted bail by this Court vide order dated 22.03.2022 in Cr. Misc. No. 37821 of 2021 and the petitioner is in custody since 23.12.2020.

Learned A.P.P. for the State has opposed the prayer for



bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 learned A.C.J.M.-IV, Patna in connection with Shastri Nagar P.S.Case No.561 of 2020 with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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