

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28902 of 2022

Arising Out of PS. Case No.-163 Year-2021 Thana- BIHIA District- Bhojpur

Jairam Ram, Son of Subedar Ram, Resident of Village - Mishrawli, P.S.-
Bihiya, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tarakant Rishi, Advocate
For the State	:	Dr. (Mrs.) Indivar Kumari, APP
For the informant	:	Mr. Mayank Singh, Advocate
		Mr. Shiv Pd. Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-08-2022 Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel for the Informant.

Let the defect(s), if any, as pointed out by the office
be removed within 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 Bihiya P.S. Case No. 163 of 2021 registered for
the alleged offences under Sections 147, 341, 323, 307, 379,
504, 506 of the Indian Penal Code and later on Section 302 IPC
was added.

As per the prosecution case, the petitioner and other
co-accused persons came to the house of the informant and
started abusing him and when the elder brother of the informant



forbade them from doing so, the accused Ashok Kumar @ Mantu hit on the head of the brother of the informant with *lathi* causing fracture on it. When the informant tried to save him, the co-accused Pappu, Suman and Vikash assaulted him causing fracture on his head as well. The co-accused Awadhesh Ram took gold locket of the informant.

The learned counsel for the petitioner submits that there is no specific allegation of assault against this petitioner. The allegation of hitting on the head of the brother of the informant is against the co-accused Ashok Kumar and the victim has since died. Only allegation against the petitioner is that of abusing the informant. Even in the post mortem report, only one injury has been found on the deceased and that was on his head. The co-accused Subedar Ram has been granted bail by a Coordinate Bench of this Court vide order dated 05.01.2022 passed in Cr. Misc. No. 42032 of 2021. The co-accused Vikash Kumar has also been granted bail by a Coordinate Bench of this Court vide order dated 07.06.2022 passed in Cr. Misc. No. 8624 of 2022. The petitioner is in custody since 14.01.2022 and is having clean antecedent. The charge sheet has been submitted in this case.

Learned A.P.P. as well as learned counsel appearing



on behalf of the informant opposes the prayer for bail of the petitioner. The learned counsel for the informant submits that the petitioner and other co-accused persons went with an intention to cause death and assaulted the brother of the informant who has since died.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that fatal blow was dealt by the co-accused Ashok Kumar and not by this petitioner and moreover, there is no specific allegation against this petitioner and further considering the submission of charge sheet and the period of custody of the petitioner, he 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-1, Bhojpur at Ara, in connection with Bihiya P.S. Case No. 163 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 a close relative of the petitioner.
- (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.

V.K.Pandey/-

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(Arun Kumar Jha, J)

