

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39247 of 2021

Arising Out of PS. Case No.-414 Year-2020 Thana- SAHPUR District- Bhojpur

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1. BIR BAHADUR RAM Son of Late Shivadhar Ram Resident of Village- Shivpur, P.S.- Shahpur, District- Bhojpur.
 2. Suraj Ram Son of Bir Bahadur Ram Resident of Village- Shivpur, P.S.- Shahpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bandana Singh, Adv.

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-02-2022 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 petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners seek bail in connection with Shahpur P.S. Case No. 414 of 2020 registered for the offence under Sections 147, 148, 149, 452, 323, 354(b), 302, 379 and 506 of the Indian Penal Code.

The father of the informant is said to have been assaulted by the F.I.R. named accused persons as a result of which he got multiple injuries and died during course of treatment.

Learned counsel appearing for the petitioners submits



that the petitioners are innocent and have falsely been implicated in this case. In fact, the present FIR is a counter blast of Shahpur P.S. Case No. 404 of 2020 which was filed by the wife of petitioner No.2 against the deceased and the informant. He further submits that there is general and omnibus allegation against the petitioners and no specific allegation of assault is attributed to the petitioners. He further submits that the petitioner No.1 is said to be the order giver but he has not assaulted the deceased in any way. Moreover, the co-accused, namely, Harendra Ram and Abhishek Kumar have already been granted bail by a co-ordinate Bench of this Court vide order dated 14.02.2022 passed in Cr. Misc. No. 32934 of 2021 and its analogous case i.e. Cr. Misc. No. 37567 of 2021. The petitioners are rotting in judicial custody since 12.12.2020.

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 A.C.J.M.-I, Bhojpur at Ara in connection with Shahpur P.S Case No. 414 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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