

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42032 of 2021

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

SUBEDAR RAM S/O LATE HIRA RAM R/o village- Mishrauli, P.S.-
Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bhaskar Shankar
For the Opposite Party/s	:	Mr.Humayou Ahmad Khan, APP
For the Informant	:	Mr. Abhishek Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-01-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bihiya P.S. Case No. 163 of 2021 for the offence registered
under Sections 302, 147, 341, 323, 307, 379, 504 and 506 of
the Indian Penal Code.

The allegation is regarding the accused persons
having arrived at the house of the informant and thereafter one
of the co-accused person namely Ashok Kumar had given a
lathi/stick blow on the head of the brother of the informant
resulting in him being inflicted with injury resulting in his
death.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the



present case, is having a clean antecedent and he is languishing in custody since 05.05.2021. The learned counsel for the petitioner has further submitted that the postmortem report would show that only one injury has been inflicted upon the person of the deceased and the same is admittedly attributable to the co-accused person namely Ashok Kumar, hence the petitioner who is aged about 65 years has got no role to play in the alleged occurrence.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that admittedly co-accused person namely Ashok Kumar has caused the fatal blow on the person of the deceased resulting in his death and there is no allegation of any sort of overt act having been indulged in by the petitioner apart from the fact that he is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to 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., Bhojpur at Ara in connection with Bihiya P.S. Case No. 163 of 2021.

(Mohit Kumar Shah, J)

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