

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42280 of 2021**

Arising Out of PS. Case No.-101 Year-2021 Thana- SASARAM NAGAR District- Rohtas

RAM BHAJAN DUBEY Son of late Gopal Dubey Resident of Mohalla -
Lashkariganj, P.S.- Sasaram (Town), Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Pradeep Narain Kumar, APP
For the Informant	:	Mr. Suraj Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 20-06-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner as well as learned counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with Sasaram (Town) P.S. Case No. 101/2021 registered for the offences punishable under Sections 341, 325, 326, 307, 302, 34 the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, informant stated on 05.02.2021 at 9.00 pm when the informant was at his house when the all accused persons came to settle the land dispute relating to Jajmanka land. It is further stated that during the course of settlement hot talk took place between rival parties. It is further alleged that co-accused, Ajay Dubey fired upon the informant's brother as a result of which the victim fell down. It is further



alleged that present petitioner Ram Bhajan Dubey fired at Madhav (deceased) by means of Katta as a result of which victim fell down and other accused persons assaulted Madav by stone thrown on the head as a result of which victim died.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to Jajmanka as well as land dispute and there is case and counter case between both the parties. He further submits that instant case is counter blast of Sasaram (Town) P.S. Case No. 100/2021 lodged by present petitioner and the prosecution party is an aggressor. The other co-accused have already been granted bail by co-ordinate Bench of this Court vide Cr. Misc. No. 38686/2021 and Cr. Misc. No. 50159/2021. He further submits that the petitioner is in custody since 06.02.2021 and petitioner bears no criminal antecedent. From perusal of the FIR itself, there is specific allegation against firing against the present petitioner but postmortem report categorically and specifically shows that no fire-arm injury upon body of the deceased.

The learned counsel for the informant as well as learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of



petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Rohtas at Sasaram in connection with Sasaram (Town) P.S. Case No. 101/2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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