

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43720 of 2021

Arising Out of PS. Case No.-107 Year-2020 Thana- NOKHA District- Rohtas

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1. Ankur Ram @ Ankur Prasad Son of Chhotelal Ram Resident of Village - Ganghar, P.O. - Tetrah, P.S. - Nokha, District - Rohtas (Bihar).
 2. Ranjan Ram Son of Bhuneshwar Ram Resident of Village - Ganghar, P.O. - Tetrah, P.S. - Nokha, District - Rohtas (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Fazle Karim, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 09-06-2022 Heard Mr. Md. Fazle Karim, learned counsel for the petitioners and Mr. Surendra Kumar, learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners apprehend their arrest in connection with Nokha (Sasaram) P. S. Case No. 107 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 448, 452, 354(B), 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.



As per the prosecution case, it is alleged that on 09.06.2020 co-accused Binod Ram and Sudhir Ram entered into the house of the informant and tried to outrage her modesty. On *hulla* being raised, two villagers came there to rescue the informant, seeing the villagers the co-accused persons said to have fired on two of the villagers causing gun shot injury. It is further alleged that when the injured were taken to hospital for treatment all the other F.I.R. named accused persons including these petitioners have also assaulted the members of the prosecution parties.

At the outset, learned counsel for the petitioners submits at the bar, on the instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

Learned counsel appearing on behalf of the petitioners submits that there is general and omnibus nature of allegation against all the F.I.R. named accused persons including these two petitioners, however, the specific allegation of fire has been leveled against co-accused Binod Ram and Sudhir Ram, however, the injury report describes the injury as simple in nature. It is next submitted that there is a counter version of the present case being Nokha P. S. Case No. 106 of 2020 instituted



by one co-accused Ravi Shankar Ram against the husband of the informant. It is lastly submitted that many of the co-accused persons having similar allegation have already been granted anticipatory bail by co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 3787 of 2021 vide order dated 17.09.2021. A copy of which has been produced before this Court and the same has been kept on record.

On the other hand, learned Additional Public Prosecutor for the State opposes the bail application but shown his inability to differentiate the cases of other co-accused persons, who have been granted bail by a co-ordinate Bench of this Hon'ble Court.

Having considered the submissions made on behalf of the parties and taking into account the general and omnibus nature of allegation, apart from the fact that other co-accused persons having similar allegation have already been granted anticipatory bail by a co-ordinate Bench of this Hon'ble Court, let the petitioners, above named, be released on bail, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bonds of Rs. 10,000/ (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate, Rohtas at Sasaram/ its successor Court in connection with Nokha (Sasaram) P. S. Case No. 107 of 2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with following conditions:-

- (i) One of the bailors should be the close relative of the petitioners.
- (ii) The petitioners will co-operate in the investigation as well as in conclusion of the trial.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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