

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44545 of 2021

Arising Out of PS. Case No.-376 Year-2020 Thana- RAMNAGAR District- West Champaran

Mukesh Ram, S/O Nathuni Ram, R/O Village-Nawgawa, P.S-Ram Nagar,
District-West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-02-2022 Heard learned counsel for the petitioner and Mr.
Parmeshwar Mehta, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Ram Nagar P.S. Case No. 376 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 337, 338 and 302 of the Indian Penal Code. He is in custody since 05.11.2020 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that his neighbour was digging earth for construction of his house and when he objected to construct, the matter went in Panchayat and the matter was pacified. On 18.10.2020, when the informant was at his house, some quarrel took place between the grandson of the informant and one Mukesh Ram, in the meantime, all the ten F.I.R. named accused persons started



abusing and assaulting his grand son. The informant further alleged that when he along with his son went to rescue his grandson and asked from the accused persons about the quarrel, all the accused persons also assaulted him by throwing brick and stones.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, there is general and omnibus allegation against the petitioner. Learned counsel submits that altogether ten persons have been named in the First Information Report. It is submitted that five of the co-accused similarly situated have been granted bail by learned coordinate Benches of this court.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions that altogether ten persons named in the F.I.R. and the informant's side had indulged in causing assault against each other, the petitioner's side were throwing bricks and stones and one of them hit the son of the informant, after three days of the alleged occurrence he died in course of his treatment, save and except the general and omnibus allegations, there is nothing more against the petitioner and the five of the co-accused similarly situated have



been granted bail by learned coordinate Benches of this court in Cr. Misc. No. 18484/2021, Cr. Misc. No. 24247/2021 and Cr. Misc. No. 15993/2021, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 1st Class, Bagaha, District – West Champaran in connection with Ram Nagar P.S. Case No. 376 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajeev Ranjan Prasad, J.)

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