

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45812 of 2021

Arising Out of PS. Case No.-68 Year-2020 Thana- KORMA District- Sheikhpura

1. RAMU RAM S/o Chhote Lal Ram R/o village- Jitwarpur, P.S.- Korma, District- Sheikhpura
2. Shambhu Ram @ Shambhu Kumar S/o Chhote Lal Ram R/o village- Jitwarpur, P.S.- Korma, District- Sheikhpura
3. Dashrath Ram @ Dasrath Ram S/o Rajo Ram R/o village- Jitwarpur, P.S.- Korma, District- Sheikhpura

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed. Rizwanul Haque, Advocate
For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-06-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. S. Rizwanul Haque, learned counsel for the
petitioners as well as learned Additional Public Prosecutor for
the State.

The petitioners apprehend their arrest in connection
with Korma P.S.Case No. 68 of 2020 registered for the offences
punishable under Sections 307, 323, 379, 504, 506 and 34 of the
Indian Penal Code.

As per prosecution case, It is alleged that on
14.08.2020, while the informant was going for nature call, in



the meantime, all the FIR named accused persons including the petitioners surrounded the informant and petitioner no. 1 assaulted the informant over his head by means of iron rod. Further the petitioner no. 2 brother of the informant assaulted over his head by means of sword and petitioner no. 3 , mother of the informant assaulted by means of lathi.

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

It is submitted by the learned counsel for the petitioners that informant and petitioners are *Gotiyas* and in fact free fight has taken place in which both the sides have sustained injuries. There is counter version of the present case being Korma P.S.Case No.69 of 2020 instituted by petitioner no.1. It is further submitted that all the injuries sustained by the injured persons have been found to be simple in nature except one which has been inflicted over the hand of the informant however, that has not been attributed to any of the petitioners. It is next submitted that all the petitioners have no criminal antecedent and they are ready to give undertaking that they will not indulge in such kind of offence in future and will abide by the conditions imposed by the Hon,ble Court.



On the other hand, learned APP for the State opposes the bail application of the petitioners and submits that there is specific allegation against all the petitioners, who have been assaulted the informant. and his family members

Having considered the submissions made on behalf of the parties and taking into consideration the nature of injuries , apart from the fact that both the parties are *Gotiyas* and there is a counter version of the present case. In as much as the injuries sustained on the petitioners' side has not been explained by the prosecution and moreover, petitioners have clean antecedent, let the petitioners above named, be released on bail, in the event of their arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sheikhpura in connection with Korma P.S.Case No. 68 of 2020 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

(I) One of the bailors should be the close relatives of the petitioners.

(ii) The petitioners will cooperate 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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