

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47781 of 2021

Arising Out of PS. Case No.-47 Year-2021 Thana- SIMRA District- West Champaran

1. RUDAL RAM S/o- Mahesh Ram
 2. Rabri Devi W/o- Rudal Ram
- Both are R/o Village - Ramwaliya, P.S. - Semra, District - West Champaran.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-01-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioners seek regular bail in connection with
Semra P.S. Case No. 47 of 2021 instituted for the offences under
Sections 147, 148, 149, 341, 323, 307 and 302 of the Indian
Penal Code.

Learned counsel for the petitioners submits that the
petitioner no. 1 is in custody since 28.04.2021 and petitioner no.
2 is in custody since 04.06.2021, are persons with clean
antecedent, charge-sheet has been submitted in this case and
petitioner no. 2 is a lady.

Learned counsel for the petitioners submits that the



informant alleges that his cousin (deceased) used to perform tantrik puja, on 26.04.2021 he got a call on his mobile and was called at Ramvalia village for performing a Puja. On 27.04.2021, the deceased called his cousin on his mobile as detailed in the FIR that the named accused persons in the FIR including the petitioners got the Puja performed and on asking for money they assaulted leading to injury, accordingly, it is alleged that the informant came to the hospital where he found his brother dead.

Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the petitioners have been implicated with general and omnibus allegation. Learned counsel further submits that no person after having got the Puja performed would kill the priest for demanding money. Learned counsel also submits that the deceased was a weak person who died due to COVID and in garb of that death, the present petitioners have been implicated in the present case. Learned counsel further submits that it absolutely does not stand to reason that if what has been alleged in the FIR by the informant then Baijnath Ram ought to have instituted the present FIR as the informant alleges that it was Baijnath Ram who was informed by the deceased that he was



being assaulted by the named accused persons including the petitioners on demanding money for performing Puja.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioners.

Considering the fact that the petitioners are in custody, are persons with clean antecedent, charge-sheet has been submitted and petitioner no. 2 is a lady, let the petitioners above named be released on bail 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 Chief Judicial Magistrate, Bagaha, West Champaran/successor Court in connection with Semra P.S. Case No. 47 of 2021.

(Satyavrat Verma, J)

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