

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39209 of 2022

Arising Out of PS. Case No.-246 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

MANOJ RAM S/o Late Loknath Ram R/o Village - Dulahpur, P.s. Mohania,
District - Kaimur at Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39445 of 2022

Arising Out of PS. Case No.-246 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

HIRALAL RAM @ TUFANI RAM S/o Late Nanhaku Ram R/o Village -
Dulahpur, P.S.- Mohania, District - Kaimur at Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39209 of 2022)

For the Petitioner/s : Mr.Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

(In CRIMINAL MISCELLANEOUS No. 39445 of 2022)

For the Petitioner/s : Mr.Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioners and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under section 307/34 of the
Indian Penal Code and 27 of the Arms Act, in connection with



Mohania P.S. Case No. 246 of 2021.

The prosecution story, in brief, is that the informant has alleged while he was sitting at his door, all of sudden, Hiralal Ram and Manoj Ram, the petitioners herein and some other accused persons fired at him. He further alleged that co-accused Tufani Ram fired five times at him causing injury on his shoulder, ear and the neck.

Learned counsel for the petitioners submit that there is omnibus allegation against all the accused persons including the petitioners herein. It is his further submission that the mother of the petitioner no.1 had earlier lodged Mohania P.S. Case No. 181 of 2021 under section 366(A)/34 of the Indian Penal Code against the informant and his brother for kidnapping her minor daughter. It is his further submission some of the co-accused have granted privilege of anticipatory bail on 28.6.2022 by a coordinate bench of this Court in Cr. Misc. No. 57613 of 2021. It is his last submission that the petitioner no. 1(Manoj Ram) is in custody since 22.5.2022 which finds incorporated in the order of learned Sessions Judge and has clean antecedent whereas the petitioner no.2 (Hiralal Ram) is in custody since 4.5.2022 which also finds place in the order of learned Sessions Judge and has criminal antecedents too.



Considering the aforesaid facts that the petitioners are in custody 22.5.2022 and 4.5.2022 respectively and the charge-sheet stands submitted, this Court is inclined to grant them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua, in connection with Mohania P.S. Case No. 246 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for one year to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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