

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52339 of 2021**

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

DEEPU RAM S/o MATHURA RAM R/o VILLAGE-NAVGAWA, P.S-RAM
NAGAR, DISTRICT-WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-04-2022 Heard learned counsel for the parties.

The petitioner is in judicial custody in connection with Ram Nagar P.S. Case No. 376 of 2020 registered under Sections 147, 148, 149, 341, 323, 337, 338 & 302 of the Indian Penal Code lodged on 28th of December, 2020.

As per the First Information Report, the informant's neighbour Ram Bachan Roy was digging earth for construction of his building which was objected by him as also the 'Sarpanch' about 20 days ago. On 18th of December, 2020, Mukesh Ram came and started arguing with his grandson Bhola Ram and also slapped him. This was followed by entire family members of Ram Bachan Roy including the petitioner herein assaulting the grandson and started throwing stones/bricks one of which hit his son (deceased) and as it was a head injury, it caused fatal.



Learned counsel for the petitioner submits that omnibus allegations have been made against all the accused persons that they started throwing stones/bricks which hit the informant's son. He further drew attention of this Court to the order passed by different benches of Patna High Court in Cr. Misc. No. 18484 of 2021 by which Rambachan Ram & Pinku Ram were released on bail vide an order dated 06.08.2021, vide Cr. Misc. No. 24247 of 2021 by which Jhunu Ram @ Jhuni Ram and Bhuar Ram and Birendra Ram were released on bail vide an order dated 16.08.2021 and Cr. Misc. No. 15993 of 2021 by which Gena Devi @ Geni Kumari was released on bail vide an order dated 23.09.2021. He further submits that petitioner is in custody since 31st of May, 2021.

Learned APP for the State opposes the prayer for bail and submits that the petitioner's family members resorted to pelting stones/bricks which hit the son of the informant causing head injury and ultimately led to his death and as such the petitioner does not deserve bail.

Taking into account the aforesaid facts that omnibus allegation has been made against the accused persons and some of the similarly situated co-accused persons have been released on bail by different coordinate benches of this Hon'ble Court as



also that he is in jail since 31st of May, 2020, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M., 1st Bagaha, West Champaran in connection with Ram Nagar P.S. Case No. 376 of 2020, subject to the following conditions :-

(i) one of the bail bonds shall be executed by the family member of the petitioner who shall submit an affidavit to this effect showing his *bona fide*;

(ii) the petitioner shall co-operate in the trial and ensure his presence on each and every date and failure to do so for two consecutive dates without plausible reason will lead to cancellation of his bail bonds by the Trial Court;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty for taking steps for cancellation of his bail bonds.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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