

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57172 of 2021

Arising Out of PS. Case No.-35 Year-2015 Thana- SARMERA District- Nalanda

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DAMODAR RAM Son of Late Ayodhya Ram Resident of Village -
Manachak, Police station - Sarmera, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 05-04-2022

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 302 and other sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, while the informant was sitting near her hut, it is stated that six named accused persons including the petitioner herein came variously armed. Thereafter, co-accused Bhaso Ram is stated to have instigated the co-accused to kill the husband of the informant on which Rohit Ram and Dharmraj Ram shot at the husband of the informant. It is further stated that the other three accused persons including the petitioner herein also assaulted with lathi, spear etc.



It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The allegations against the petitioner are general and omnibus in nature. Referring to the order of the learned trial court dealing with the contents of the post-mortem report, it is submitted that the cause of death in the post-mortem is said to be gunshot injury. The petitioner is in custody since 20.1.2021 and undertakes to cooperate in the trial.

The prayer for bail is opposed by learned A.P.P. for the State who submits that the petitioner is named in the F.I.R. and has absconded for more than five years.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the allegation in the F.I.R. together with the contents of the post-mortem report referred to in the order of the learned trial court including the petitioner have remained in custody for more than 1 year 2 months, the Court directs the petitioner to be enlarged on bail in connection with Sarmera P.S. Case no.35 of 2015 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Nalanda.

It is further directed that the petitioner shall cooperate



in the trial and shall remain properly represented on each date of the trial.

In case the learned trial court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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