

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65237 of 2021

Arising Out of PS. Case No.-317 Year-2020 Thana- KESARIA District- East Champaran

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RANJEET RAM S/o Sukan Ram Resident of Village - Dilawarpur, P.S. -
Keshariya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 66433 of 2021

Arising Out of PS. Case No.-317 Year-2020 Thana- KESARIA District- East Champaran

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PAWAN KUMAR DAS @ PAWAN DAS @ PAWAN KUMAR Son of
Gagandeo Das Resident of Village- Dilwarpur, P.S.- Keshariya, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65237 of 2021)

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 66433 of 2021)

For the Petitioner/s : Mr. Shashi Bhushan Pandey, APP

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-07-2022

IN CR. MISC. No.65237 of 2021

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Kesariya



P.S. Case No. 317 of 2020 registered for the offence under Sections 147, 148, 149, 341, 342 and 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 28.08.2021.

The allegation against the petitioner is to commit murder of brother of the informant along with other co-accused person, equipped with *lathi*, rod, stone, etc.

Learned counsel appearing on behalf of the petitioner submitted that allegation as regard to assault is very much general and omnibus against the petitioner, where petitioner has been named in FIR by the informant on hearsay basis. It is submitted that in fact, the deceased stabbed, one Chandra Kishore Sah, for which, Kesariya P.S. Case No. 324 of 2020 was lodged and in reaction thereof, the petitioner was assaulted by the crowd of unidentified persons. It is also submitted that nothing surfaced during course of investigation, which may incriminate the petitioner, with the present set of occurrence, where petitioner is a man of clean antecedent. It is also submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 41152 of 2021 dated



12.07.2021. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that though the informant is eye-witness of the occurrence, the petitioner was named in the FIR, on the basis of hearsay of the villagers, as per FIR.

Considering the facts and circumstances as mentioned above, as name of the petitioner surfaced on the basis of hearsay version of villagers, where, nothing surfaced during course of investigation, which may connect the petitioner, *prima-facie*, with the present set of occurrence, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kesariya P.S. Case No. 317 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran/concerned court, subject to the following conditions:

*“(i)Accused/Petitioner shall cooperate
in the trial and shall be physically present on each*



and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Rambhu Ram, who is the brother of the petitioner and deponent of the present bail petition.”

IN CR. MISC. No. 66433 of 2021

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Kesariya P.S. Case No. 317 of 2020 registered for the offence under Sections 147, 148, 149, 341, 342 and 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 13.08.2021.

The allegation against the petitioner is to commit murder of brother of the informant along with other co-accused person, equipped with *lathi*, rod, stone, etc.

Learned counsel appearing on behalf of the petitioner submitted that allegation as regard to assault is very much



general and omnibus against the petitioner, where petitioner has been named in FIR by the informant on hearsay basis. It is submitted that in fact, the deceased stabbed, one Chandra Kishore Sah, for which, Kesariya P.S. Case No. 324 of 2020 was lodged and in reaction thereof, the petitioner was assaulted by the crowd of unidentified persons. It is also submitted that nothing surfaced during course of investigation, which may incriminate the petitioner, with the present set of occurrence, where petitioner is a man of clean antecedent. It is also submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 41152 of 2021 dated 12.07.2021. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that though the informant is eye-witness of the occurrence, the petitioner was named in the FIR, on the basis of hearsay of the villagers, as per FIR.

Considering the facts and circumstances as mentioned above, as name of the petitioner surfaced on the basis of hearsay



version of villagers, where, nothing surfaced during course of investigation, which may connect the petitioner, *prima-facie*, with the present set of occurrence, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kesariya P.S. Case No. 317 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran/concerned court, subject to the following conditions:

“(i)Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Babita Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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