

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66477 of 2021

Arising Out of PS. Case No.-77 Year-2021 Thana- HASPURA District- Aurangabad

1. Kamlesh Ram Son of Late Shivratan Ram Resident of Village- Dumra, P.S-Haspura, Dist- Aurangabad
2. Umesh Ram Son Of Late Ramratan Ram Resident of Village- Dumra, P.S-Haspura, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 341, 323, 307, 302, 504/34 of the Indian Penal Code.

As per prosecution case, it is alleged by the informant namely Haresh Paswan, that on 12.05.2021 at about 6:30 P.M. Kamlesh Ram, Umesh Ram and Ranjan Ram were sitting on thela in front of their houses. One bulb lighting in the lane. Accused Kamlesh Ram said that this bulb is lighting out of his wish and whenever he want he can switch it off. Informant's brother



Umesh Paswan objected to this statement that led to a quarrel. After some time, accused Kamlesh, Umesh and Ranjan came at the doors of the informant with *lathi* and *bathela* in their hands and assaulted the father of the informant. He got injured when Umesh came to rescue he was also assaulted. On hurl, people gathered and all ran away. Injured were taken to the hospital where Ramdeo Paswan, the father of the informant was declared dead.

Learned counsel for the petitioners submit that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons and there is no specific allegation of assault against the petitioners. There was no intention to kill the father of the informant and similarly situated co-accused namely Ranjan Ram @ Ranjan Kumar has been granted bail vide order dated 10.03.2022 in Cr. Misc. No. 44490 of 2021. Police after investigation submitted chargesheet against the petitioners and the petitioner no. 1 is in custody since 15.05.2021 and the petitioner no. 2 is in custody since 17.05.2021.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Haspura P.S. Case No. 77 of 2021, with the following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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