

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71572 of 2021

Arising Out of PS. Case No.-151 Year-2020 Thana- HUSSAINGANJ District- Siwan

1. Amit Kumar @ Amit Kumar Ram Son of Late Mundrika Ram Resident of Village- Sahuli, Uttar Tola Puraini, Post- Sahuli, P.S.- Hussainganj, District- Siwan.
2. Ajeet Kumar @ Ajeet Kumar Ram Son of Late Mundrika Ram Resident of Village- Sahuli, Uttar Tola Puraini, Post- Sahuli, P.S.- Hussainganj, District- Siwan.
3. Pawan Ram @ Pawan Kumar Ram Son Late Mundrika Ram Resident of Village- Sahuli, Uttar Tola Puraini, Post- Sahuli, P.S.- Hussainganj, District- Siwan.
4. Chandrapal Ram @ Chandrapal Kumar Son of Sarvjeet Ram Resident of Village- Sahuli, Uttar Tola Puraini, Post- Sahuli, P.S.- Hussainganj, District- Siwan.
5. Shri Ram @ Shri Ram Prasad @ Shri Ramji Ram @ Sri Ram Ram Son of Late Shivnath Ram Resident of Village- Sahuli, Uttar Tola Puraini, Post- Sahuli, P.S.- Hussainganj, District- Siwan.
6. Shambhu Ram Son of Late Shivnath Ram Resident of Village- Sahuli, Uttar Tola Puraini, Post- Sahuli, P.S.- Hussainganj, District- Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr. J.K. Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-05-2022

Heard the parties.

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

The six petitioners are in judicial custody in connection with Hussainganj P.S. Case No. 151 of 2020 registered under sections 147, 148, 323, 324, 308 and 504 of the Indian Penal Code and section 302 of the IPC was later added.

As per the prosecution story, the informant's mother



was doing her household work when the accused persons including the petitioners herein armed variously attacked their house due to land dispute and when the informant's father tried to save his wife, it is alleged that he too was assaulted which finally resulted into his death.

Learned Counsel submits that an omnibus allegation has been levelled against the petitioners herein along with almost dozen of persons. He further submits that the both the petitioners have got no criminal antecedents and are in jail since 23.9.2021 (as stated in para-11 of the bail application). He lastly submits that one of the co-accused namely Pankaj Ram has been granted bail by a coordinate bench of this Court on 21.8.2021 in Cr. Misc. No. 10288 of 2021.

Considering the fact that the petitioners no. 1 to 4 are in jail since since 18.9.2021 and petitioners no. 5 to 6 are in jail since 23.9.2021 and have no criminal antecedents, the charge-sheet stands submitted and one of the similarly situated co-accused has been granted bail by a coordinate bench of this Court; this Court is inclined to grant the privilege of them subject to the fact that if it appears that any of the petitioners do have criminal antecedent, the bail order with regard to that person shall become infructuous.



Let the petitioners be released on bail on furnishing bail bond of Rs. 15000/- (Fifteen thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M.-9th, Siwan, in connection with Hussainganj P.S. Case No. 151 of 2020 subject to the following conditions:-

(i) one of the bailors should be the family member of the petitioners, 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 reasons will entail their cancellation of bail by the Trial Court itself;

(iii) they 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 to take steps for cancellation of their bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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