

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5324 of 2023

Arising Out of PS. Case No.-162 Year-2022 Thana- HUSSAINGANJ District- Siwan

1. SURESH RAM S/O JAGA RAM Resident of Village- Hathaura, P.S,- Husainganj, District- Siwan.
2. LAL BABU RAM S/O SURESH RAM Resident of Village- Hathaura, P.S,- Husainganj, District- Siwan.
3. SHYAMDEO RAM @ SHYAMDEO KUMAR S/O SURESH RAM Resident of Village- Hathaura, P.S,- Husainganj, District- Siwan.
4. LALDEO RAM @ LALDEO KUMAR S/O SURESH RAM Resident of Village- Hathaura, P.S,- Husainganj, District- Siwan.
5. RAJU RAM S/O SHEO NATH RAM Resident of Village- Hathaura, P.S,- Husainganj, District- Siwan.
6. RIJHU RAM @ RIJHU KUMAR RAM S/O LATE RAGHU NATH RAM Resident of Village- Hathaura, P.S,- Husainganj, District- Siwan.
7. SONU KUMAR S/O CHANDRIKA RAM Resident of Village- Hathaura, P.S,- Husainganj, District- Siwan.
8. PUNIT KUMAR S/O KHHEDAN RAM Resident of Village- Hathaura, P.S,- Husainganj, District- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamala Kant Tiwary
For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-04-2023

At the outset, learned counsel for the petitioners seeks permission to withdraw this anticipatory bail petition so far as petitioners no. 1 to 7 are concerned, since during pendency of this petition, they have been arrested.

Permission is accorded. The anticipatory bail petition, in respect of petitioners no. 1 to 7, stands dismissed as withdrawn.



Petitioner no. 8 (sole petitioner) apprehends his arrest in a case registered for the offence under Sections 147, 341, 323, 324, 326, 504, 506, 302 of the Indian Penal Code.

It is alleged that on 20.06.2022 at about 8:00 AM, all the F.I.R. named accused persons including this petitioner, armed with *lathi*, *danda* and spade, assaulted husband of the informant. Co-accused Lal Bahadur Ram is alleged to have assaulted by spade on the head of husband of informant, who later on succumbed to his injuries.

It is submitted on behalf of petitioner that as per F.I.R. itself, specific allegation of assault by spade on the head of deceased is against co-accused Lal Bahadur Ram. So far as this petitioner is concerned, there is general and omnibus allegation. In the *post-mortem* report, the doctor has opined that cause of death was haemorrhage due to head injury caused by sharp and blunt object. Petitioner has got clean antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts and circumstances, in the event of arrest/surrender within a period of six weeks from today, let the petitioner namely Punit Kumar be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned C.J.M., Siwan in connection with Husainganj P.S. Case No. 162 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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