

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5097 of 2023**

Arising Out of PS. Case No.-55 Year-2022 Thana- KIUL District- Lakhisarai

1. MITHUN RAM @ MITHUN KUMAR RAM Son of Sarajan Ram, Resident of Village- Bannu Bagicha, P.S.- Kiul, District- Lakhisarai
2. UPENDRA RAM Son of Asharfi Ram, Resident of Village- Bannu Bagicha, P.S.- Kiul, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 6642 of 2023**

Arising Out of PS. Case No.-55 Year-2022 Thana- KIUL District- Lakhisarai

CHANDAN RAM SON OF DEVKI RAM, R/O VILLAGE- BANNU  
BAGICHA, P.S.- KIUL, DISTRICT- LAKHISARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 5097 of 2023)

For the Petitioner/s : Mr.Umesh Prasad

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

(In CRIMINAL MISCELLANEOUS No. 6642 of 2023)

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Ajit Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

ORAL ORDER

2      14-03-2023                      Heard the learned counsel for the petitioners as well  
  
as the learned Additional Public Prosecutor for the State.

The petitioners are seeking regular bail in connection  
  
with Kiul P.S. Case No. 55 of 2022 registered for offence  
  
punishable under sections 147, 148, 149, 341, 323, 324, 307 of



the Indian Penal Code and section 302 of the Indian Penal Code has been added later on.

As per allegation, Rohit Kumar and Bittu Kumar were watching programme in a fair. The FIR named accused persons badly assaulted them. They became seriously injured and Rohit Kumar died during the course of treatment.

The learned counsel for the petitioners has submitted that the allegations against the petitioners are general and omnibus and other co-accused Gopal Ram and Dheeraj Kumar have been granted regular bail by the coordinate Bench of this Court vide Cr. Misc. No. 47961 of 2022.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that in his statement the witness Yogendra Yadav, who is an eye witness and was present at the place of occurrence, has stated that the petitioners Mithun Ram @ Mithun Kumar Ram and Upendra Ram assaulted the deceased Rohit Kumar.

The eye-witness in paragraph 13 of the case diary has stated that the **petitioners Mithun Ram @ Mithun Kumar Ram and Upendra Ram** assaulted the deceased, as such, their prayer for bail is **rejected**.

**So far as petitioner Chandan Ram is concerned,**



there is no specific allegation on him to inflict assault on the person of the deceased and the allegation against him is general and omnibus. As such, his prayer for bail is allowed. **Let him be released on bail** on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Kiul P.S. Case No. 55 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

**(Nawneet Kumar Pandey, J)**

Mahesh/-

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