

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12862 of 2023**

Arising Out of PS. Case No.-68 Year-2017 Thana- PARASBIGHA District- Jehanabad

Ramesh Bind Son Of Kamaldeo Bind Residetn Of Village - Gareriya Bigha,  
P.S.- Pali, District - Jehanabad. At Present Residetn Of Village - Beldari  
Bigha, P.S.- Parasbigha, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Rajiv Nayan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      25-04-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has filed the instant application for  
grant of regular bail in connection with Parasbigha P.S. Case  
No. 68 of 2017 registered under sections 302 and 120(B) of the  
Indian Penal Code and Section 27 of the Arms Act.

As per FIR, the informant and his uncle heard the  
voice of crying near a bridge, then they rushed to the spot and  
saw the accused persons including this petitioner fleeing from  
the place of incident and at the time of escaping, the accused  
persons fired at informant and his uncle after that informant  
found his cousin brother Nirbal Bind and one co-villager Sintu  
Bind in severely injured condition who were taken to hospital



where doctor declared them dead.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to previous grudge and enmity regarding construction of house of petitioner. It is further submitted that as per the F.I.R., petitioner along with other co-accused persons alleged to have fired at informant and his uncle and thereafter the informant found his cousin brother along with one co-villager in severely injured condition and thereafter doctor declared them dead when they were taken to hospital and the said allegations mentioned in the FIR clearly shows that accused persons including this petitioner used firearms but as per postmortem report of the deceased persons, doctor opined that cause of death of deceased persons is Asphyxia due to strangulation/throttling which is completely contradictory to the allegations made in the FIR. It is also submitted that there is no specific allegation of firing has been attributed against the petitioner rather general and omnibus allegation has been made against all the accused persons including this petitioner. There is no eye witness of the alleged occurrence. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial



custody since 23.11.2022. Similarly situated several co-accused persons have already been granted bail by the different co-ordinate Bench of this Court vide Annexure- 5 and Annexure-6 of this petition.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Parasbigha P.S. Case No. 68 of 2017 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1<sup>st</sup> Class, Jehanabad/ Successor Court, Jehanabad.

**(Sunil Kumar Panwar, J)**

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