

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18119 of 2023**

Arising Out of PS. Case No.-529 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

LILENDRA RAM @ LILENDRA KUMAR Son of Satendra Ram @
Satyendra Ram R/v- Baraki Pusauli, P.S.- Mohania, District- Kaimur at
Bhabua

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr.Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 25-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection
with Mohania P.S. Case No.529 of 2022 instituted under
Sections 341, 323, 325, 307, 504, 506/34 of the Indian Penal
Code lodged on 30.09.2022 by the informant Dhananjay Singh.

As per the prosecution story, informant namely
Dhananjay Singh submitted written report before the police
station, Mohania alleging that on 30-9-2022 at about 7:40 P.M.
as he was returning to her village with his brother, Dilip Singh
by Motorcycle and when both reached near the Pusauli Railway
gate, found the same closed. As they were waiting for the gate to
open, 9 persons came with three motorcycles and three persons
were sitting with one motorcycle namely Pankaj Ram, Lilendra



Ram and Sonu Ram. As they pushed the motorcycle of the informant, some quarrel took place between both side.

The informant further alleged that as they proceeded to their village and reached near the Siddhi Vinayak Petrol pump, 6 other accuseds namely Mahendra Ram, Satendra Ram, Upendra Ram, Ramniwas Ram, Shivmuni Ram, Dhananjay Ram came with the three persons with whom there was a quarrel earlier came and assaulted by means of '*lathi*' on the head of his brother namely Dilip Singh. Those who assaulted were Pankaj Ram, Jitendra Ram and Sonu Ram. The hand of the brother was fractured. Informant further alleged that his brother also received head injury. The other persons namely Mahendra Ram, Satendra Ram, Upendra Ram, Ram Niwas Ram, Dhananjay Ram, Shivmuni Ram assaulted the informant and his brother. When the villagers came they fled away. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that allegation against this petitioner as also Pankaj Ram is of assaulting the brother of the informant, namely, Dilip Singh. He has further taken this Court to the injury report which has been attached with the bail petition (Annexure-2) to show the same has been found to be simple in nature. The last submission is that similar placed co-accused Pankaj Ram has



since been released on bail vide order dated 09.05.2023 in Cr. Misc. No.4633 of 2023.

Let the same be kept on record.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the fact that the petitioner do not have criminal antecedent, the injuries are simple in nature, he will be cooperating with the police in the investigation and will have to ultimately face the trial, this court is inclined to extend the privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Mohania P.S. Case No.529 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the



police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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