

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21063 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- RAMGARH District- Kaimur (Bhabua)

OM PRAKASH GUPTA S/O BABULAL SAH @ ASHOK SAH Resident of
Village- Sisaura, P.S.- Ramgarh, District- Kaimur at Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vikram Deo Singh, Advocate
	:	Mr.Pawan Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Bhanu Pratap Singh, APP
For the Informant	:	Mr. Sunil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 31.01.2023 in connection with Ramgarh P.S. Case No. 23 of 2023, F.I.R. dated 30.01.2023 registered for the offence punishable under Sections 341, 323, 448, 504, 379, 506, 307 and 34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

3. The allegation against the petitioner is to commit murder of one Rishi Kumar, who is son of informant alongwith other co-accused persons/family members by assaulting through lathi, iron rod etc., causing head and other bodily injuries, where occurrence arises out of drainage issues.



4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that due to petty dispute, the present occurrence had taken place and there is case and counter case and from bare perusal of the FIR it appears that there is general and omnibus allegation against all the accused persons including the petitioner and there is no specific allegation of any assault or overt-act attributed against the petitioner and the co-accused persons, namely, Bhaiya Lal Sah @ Ashok Sah and Babu Lal Sah have been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 04.07.2023 passed in Cr. Misc. No.27856 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 31.01.2023.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner and the petitioner was arrested at the spot.

6. Considering the aforesaid facts, let the petitioner, above named, be released 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 Judicial Magistrate 1st Class, Mohania, Kaimur in connection with Ramgarh P.S. Case No. 23 of 2023, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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