

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23058 of 2023

Arising Out of PS. Case No.-70 Year-2022 Thana- AAYAR District- Bhojpur

1. Jimdar Ram @ Jimedar Ram Son Of Late Baud Ram Resident Of Village - Barnaw, Mushar Toli, P.S. - Ayar, Distt. - Bhojpur
2. Ram Awtar Ram Son Of Late Baud Ram Resident Of Village - Barnaw Mushar Toli, P.S. - Ayar, Distt. - Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners seek bail, who are in custody since 09.07.2022 and 03.08.2022 in connection with Sessions Trial No.406 of 2022 arising out of Ayar P.S. Case No. 70 of 2022, F.I.R. dated 08.07.2022 for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. According to prosecution case, in brief is that Maneshar Ram informant gave his fardebayn before ASI, A.L. Paswan of Ayar police station on 08.07.2022 stating inter-alia that his father Lalak Mushar (deceased) three days earlier had gone to the matrimonial house of his daughter Vina Devi at



Village Barnaw to see her as she was ill. On 08.07.2022, at 8 O'clock in the morning at the door of his sister, co-villager Bigan Ram, Jimdar Ram, Ram Awtar Ram arrived and Bigan Ram told that while he has killed by playing witch craft then his father Lalak Mushar told that how he will kill. Upon which all the aforesaid three persons started assaulting with Lathi Danda due to which his father received injury on forehead, left and right hand, chest and belly and became badly injured and became senseless then thinking him to be dead, all the three accused persons fled away.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the basis of suspicion. He further submits that it appears from the F.I.R. that the informant is not the eye witness of the alleged occurrence and there is no specific allegation of any assault or overt act is attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 09.07.2022 and 03.08.2022 respectively.



5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-XVIII, Bhojpur at Ara in connection with Sessions Trial No.406 of 2022 arising out of Ayar P.S. Case No. 70 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court



below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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