

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34274 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- CHANPATIA District- West Champaran

1. Hosila Ram @ Horila Ram son of Late Sukat Ram Village- Mathial Khargahli Ps- Chanpatiya Dist- West Champaran
2. Suresh Ram son of Late Sukat Ram Village- Mathial Khargahli Ps- Chanpatiya Dist- West Champaran
3. Vishun Ram @ Vishnu Ram son of Suresh Ram Village- Mathial Khargahli Ps- Chanpatiya Dist- West Champaran
4. Sundar Ram son of Late Sukat Ram Village- Mathial Khargahli Ps- Chanpatiya Dist- West Champaran
5. Jokhu Ram son of Late Sukat Ram Village- Mathial Khargahli Ps- Chanpatiya Dist- West Champaran
6. Bhutan Ram son of Raja Ram Village- Mathial Khargahli Ps- Chanpatiya Dist- West Champaran
7. Dharmendar Ram son of Suresh Ram Village- Mathial Khargahli Ps- Chanpatiya Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate.
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 24-07-2023 Heard Mr. Anant Kumar Mishra, learned counsel for
the petitioner and learned APP for the State.

2. At the outset, learned counsel for the petitioners
submits that during the pendency of this application, petitioner



nos.1 and 4, namely, Hosila Ram @ Horila Ram and Sundar Ram surrendered before the learned Court below and as such he is not pressing their application.

3. In view of the above, the anticipatory bail application of petitioner nos. 1 and 4 is hereby dismissed as not pressed.

4. The Petitioner nos.2, 3, 5, 6 and 7, namely, Suresh Ram, Vishun Ram @ Vishnu Ram, Jokhu Ram, Bhutan Ram and Dharmendar Ram respectively are apprehending their arrest in connection with Chanpatiya P.S. Case No.59 of 2023, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 504, 506 of the Indian Penal Code.

5. It is alleged that while the uncle of the informant was going to his shop in the way, co-accused Mangal Ram, Bharbhitan Ram, Bhitan Ram and Horiala Ram surrounded him and assaulted with lathi and iron rod due to which he sustained serious injuries and became unconscious. On *hulla* being raised the other persons including the petitioners and other unknown persons came there and a free fight has taken place.

6. Learned counsel appearing on behalf of the petitioners submits that omnibus allegation has been leveled against all the petitioners and so far the injury is concerned, the



same has been found to be simple in nature. In support of the aforesaid submission a copy of the injury report has been brought on record by way of Annexure-2 to the petition. He further submits that there is a counter version of the present occurrence lodged by the brother of petitioner nos.1, 2, 4 and 5 being Chanpatiya P.S. Case No.60 of 2023. He next submits that some of the co-accused persons were already allowed bail by the learned Court below itself. Further, the petitioners having clean antecedent.

7. On the other hand learned APP for the State vehemently opposes the bail application.

8.. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation, coupled with the fair antecedent and the nature of injury, let the petitioners, namely, Suresh Ram, Vishun Ram @ Vishnu Ram, Jokhu Ram, Bhutan Ram and Dharmendar Ram, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatiya P.S. Case



No.59 of 2023, subject to the condition as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Harish Kumar, J)

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