

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41885 of 2022

Arising Out of PS. Case No.-401 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

1. CHANDAN RAM S/o Surendra Ram R/o village- Dhankadha, P.S.- Sasaram (M), District- Rohtas
2. Ravi Ram @ Rabi Ram S/o Faguni Ram R/o village- Dhankadha, P.S.- Sasaram (M), District- Rohtas
3. Harendra Baitha S/o Kanhaiya Baitha R/o village- Dhankadha, P.S.- Sasaram (M), District- Rohtas
4. Birendra Ram S/o Sohrai Ram R/o village- Dhankadha, P.S.- Sasaram (M), District- Rohtas
5. Bihari Ram S/o Late Fal Kumar Ram @ Hal Kumar Ram R/o village- Dhankadha, P.S.- Sasaram (M), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sudama Singh, Advocate Mr.Surendra Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr.Nand Kishore Prasad, A.P.P

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 04-01-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The learned counsel for the petitioner has informed this court that the petitioner No. 3 has already been arrested by the police during the pendency of this application. Accordingly, the prayer of bail is dismissed as infructuous.



The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 147, 148, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioners and the co-accused persons assaulted the informant and his nephew on the instigation of the petitioner Birendra Ram and the co-accused person fired on the nephew of the informant which hit his thigh and the informant's nephew fell on the ground. Thereafter, the accused persons assaulted the informant and his nephew with *lathi, danda* and iron rod.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. Learned counsel has further submitted that the main allegation of firing is against the co-accused person Ashok Baitha who has already been granted bail by the Co-ordinate Bench *vide* order dated 06.12.2022 passed in Cr. Misc. No. 60637 of 2022. There is general and omnibus allegation against the petitioners. The petitioner No. 1 is accused in five other criminal cases out of which he is on bail in 2 criminal cases, the petitioner No.2 is accused in 3 other criminal cases out of which he is on bail in 2 criminal cases, the petitioner No. 4 is accused in 3 other



criminal cases out of which he is on bail in 2 criminal cases and the petitioner No. 5 is accused in 2 other criminal cases out of which he is on bail in 1 criminal case as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

Considering the aforesaid facts and circumstances as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Rohtas At Sasaram in connection with Sasaram (M) P.S. Case No. 401 of 2021, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This application stands allowed.

(Chandra Prakash Singh, J)

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