

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53024 of 2023

Arising Out of PS. Case No.-183 Year-2009 Thana- ARA MUFFSIL District- Bhojpur

Hiraman Kumar @ Hiranman Ram Son Of Late Ramiswar Ram Resident Of
Village - Bhuswala, P.S. - Ara Muffasil, District - Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
		Mr. Vineet Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
18.05.2023 in connection with Ara Mufasil P.S. Case No. 183 of
2009, F.I.R. dated 21.09.2009 for the offences punishable under
Sections 302 & 34 of the Indian Penal Code.

3. According to prosecution case, the informant
Basawan Paswan has made fardbeyan on 21.09.2009 at 09:00
before the police stating therein that one Buchiya Devi wife of
late Rameshwar Ram had come at his door and abusing with
saying that deceased Umesh Paswan has badly influenced her
son, on that point the grandson of deceased Umesh Paswan said
to who are abusing whom, on that reason hot talk has started. It



is further alleged that when the grandson has gone to near Khaliyan, in the meantime Mantu Ram, Jawahir Ram, Hira Kumar, Hiranman all are sons of late Rameshwar Ram and exchange of hot talk has been made between the parties. It is further alleged that one Mantu Ram armed with knife, Jawahir Ram and Hira Kumar have caught hold to Umesh Paswan, and Buchiya Devi has directed to kill, then Mantu Ram has assaulted by knife blow and fled away.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that bare perusal of F.I.R. it appears that there is no specific allegation of any assault or overt-act is attributed against the petitioner rather there is specific allegation against the co-accused persons namely, Umesh Paswan, Jawahir Ram and Hira Kumar who has caught hold the son of the informant and co-accused Mantu Ram has inflicted knife blow on the grand son of the informant and there is no acquisition of any assault or overt-act is attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 18.05.2023.



5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has been granted anticipatory bail in the year 2012 but he could not surrender within time and the petitioner is in custody since 18.05.2022.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Mufasil P.S. Case No. 183 of 2009, subject to the following conditions:-

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

2. 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.



3. 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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