

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52503 of 2022

Arising Out of PS. Case No.-129 Year-2015 Thana- MOTIPUR District- Muzaffarpur

ASHOK RAM Son of Ramdew Ram @ Ramdev Ram Resident of village -
Senduari Gaj Singh, P.S.- Motipur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Mrs. Usha Kumari-1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 342,
379, 324, 307, 302 of the Indian Penal Code and Sections 3(1)
(x)/3(2)(v) of SC/ST Act.

According to prosecution case, The prosecution case is
that on 01.06.2015 the informant's husband was sitting at his
door when all the accused persons including the petitioner came
to the house of the informant variously armed and started
abusing and thereafter the accused persons caught hold the
husband of the informant and on protest being made, on the



order of Deo Nandan, co-accused Ram Sagar Ram assaulted with axe on the head of the husband of the informant thereafter all the accused persons assaulted with lathi, danda and slaps and when the sons of the informant namely Om Prakash and Jai Prakash came to rescue they were also assaulted by the accused persons. It is further alleged that Ram Narayan Prasad snatched Rs.1,000/-. Subsequently, the husband of the informant succumbed to the injuries.

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 it appears from the F.I.R. that there is no specific allegation of any assault of overt-act against the petitioner and there is specific allegation of assault against the co-accused Ram Sagar Ram, who gave Axe blow on the head of the husband of the informant. He further submits that the postmortem report of the informant's husband also suggest that the victim received only one injury on the head and son of the informant has not received any injury and at best the petitioner is the member of the mob. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ramdeo Ram and Kali Ram have



been granted bail by a co-ordinate Bench of this Court vide order dated 03.03.2016 passed in Cr. Misc. No.54646 of 2015. The petitioner is in custody since 22.03.2022.

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

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 Court below where the case is pending in connection with Motipur P.S. Case No. 129 of 2015, 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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