

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55159 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- JIRADEI District- Siwan

1. Sudama Ram S/O Late Ram Prasad R/O Village- Jamapur, P.S. Ziradei, District- Siwan
2. Ranjeet Kumar @ Ranjeet Ram S/O Sudama Ram R/O Village- Jamapur, P.S. Ziradei, District- Siwan
3. Jai Prakash @ Jai Prakash Ram S/O Bikram Ram R/O Village- Nadiyaon, P.S.- M.H. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

In the present case, the petitioners seek bail in connection with Ziradei P.S. Case No. 28 of 2022 registered for the alleged offences under Sections 341, 323, 307, 447, 504, 506, 302 and 34 of the Indian Penal Code.

As per prosecution case, on a minor issue of removing sand from the doors of the informant, the petitioners and other co-accused persons assaulted the informant and her family members with hockey stick, spear, bat and iron rod. The allegation against the petitioner Sudama Ram is that he assaulted the informant on



his head with a hockey stick and other petitioners assaulted one Ansh Kumar with slaps and fists. Co-accused Sanjiv Kumar assaulted one Raju Kumar Ram on his head with an iron rod who was also assaulted by the petitioners with slaps and fists. Raju Kumar Ram later on succumbed to his injuries.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is general and omnibus allegation of assault by fists and slaps against the petitioners and the allegation of assault against the informant resulted only in simple injuries. There is no allegation of assault on the head of the deceased Raju Kumar Ram against the petitioners. Moreover, only one sutured injury has been found on the head of the deceased and no other injury has been mentioned in the postmortem report which falsifies the allegation that petitioner assaulted Raju Kumar Ram. Thus, there are general and omnibus allegations against the petitioners who are in custody since 13.07.2022 and charge-sheet has been submitted. The petitioners have got clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioners have been named in the FIR and they assaulted 3-4 persons of the opposite side, one of whom died.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact



that there is only non-specific allegation against the petitioners and further allegations are not supported by postmortem report and also considering the clean antecedent of the petitioners along with their period of custody and submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Siwan in connection with Ziradei P.S. Case No. 28 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

himanshu/-

U		T	
---	--	---	--

