

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62088 of 2023

Arising Out of PS. Case No.-208 Year-2023 Thana- RIGA District- Sitamarhi

1. Chhote Ram @ Devendra Ram @ Chhote Rai S/O Kapileshwar Ram R/O Village- Sonar, P.S- Riga, Distt.- Sitamarhi.
2. Dharmendra Ram @ Dharmendra Kumar S/O Kapileshwar Ram R/O Village- Sonar, P.S- Riga, Distt.- Sitamarhi.
3. Mandeswar Ram S/O Late Mahadeo Ram R/O Village- Sonar, P.S- Riga, Distt.- Sitamarhi.
4. Shailendra Kumar @ Shalad Kumar S/O Sagar Ram @ Ram Sagar Ram R/O Village- Sonar, P.S- Riga, Distt.- Sitamarhi.
5. Mantosh Kumar S/O Late Chander Ram R/O Village- Sonar, P.S- Riga, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Riga P.S. Case No. 208 of 2023 dated 27.05.2023 instituted for the offence punishable under Sections 147, 148, 149, 341, 323, 332, 333, 307, 353 of the Indian Penal Code and Section 25(1-b)a, 26, 27, 35 of the Arms Act.

3. The prosecution case, in short, is that on 27.05.2023 at about 1.00 am, the informant along with his



associates was on patrolling. Then they received secret information that some miscreants are dancing with pistol in the marriage ceremony of the daughter of Lal Babu Ram in village Sonar Harijan Tola. On getting information, the informant along with his associates reached at the said place and found that some miscreants were dancing with pistol. On seeing the informant and his associates, the miscreants started firing on the them and also assaulted them with lathi-danda and rod, due to which the informant and his associates sustained injuries. Miscreants made 8 round firing. For safety, constable Subhash Kumar made five round firing from his government pistol. Police apprehended one miscreants with loaded country made pistol while other managed to escape away. The apprehended miscreants told his name Saroj Ram who also disclosed the name of the petitioners and other co-accused persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that neither the petitioners were present in the said marriage ceremony nor they committed any offence. Learned counsel for the petitioners submit that occurrence took place on 27.05.2023 and none of the police officials received injury which is apparent from the impugned



order itself. Learned counsel for the petitioners submits that witnesses are the party of raiding team. Learned counsel for the petitioner submits that the name of the petitioner has been disclosed by co-accused Saroj Ram, who is relative of Lal Babu Ram, and only due to recovery of country made pistol from the possession of Saroj Rai, the petitioners have been implicated in this case. Lastly, it has been submitted that petitioner no. 1 has three criminal cases against him while petitioner no. 4 has one criminal cases against him. It is also submitted that petitioner nos. 2, 3 & 5 have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Riga P.S. Case No. 208 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi subject to condition as laid down under Section 438(2) of the Cr.P.C, as well as the following conditions:-



I. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

II. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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