

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62394 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- KURTHA District- Jehanabad

1. SUNIL RAM S/O LATE LAKHAN RAM R/v- Pondil, P.S.- Kurtha, District- Arwal (Bihar)
2. SANTOSH RAM @ SANTOSH KUMAR S/o Bholi Ram R/v- Pondil, P.S.- Kurtha, District- Arwal (Bihar)
3. KALLU RAM S/o Bholi Ram R/v- Pondil, P.S.- Kurtha, District- Arwal (Bihar)
4. RAMU RAM @ RAMU KUMAR S/o Ashok Ram R/v- Pondil, P.S.- Kurtha, District- Arwal (Bihar)
5. SHAMBHU RAM @ SHAMBHU KUMAR S/o Ashok Ram R/v- Pondil, P.S.- Kurtha, District- Arwal (Bihar)
6. BABLU RAM @ BABLU KUMAR S/o Chandradeo Ram R/v- Pondil, P.S.- Kurtha, District- Arwal (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65680 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- KURTHA District- Jehanabad

DHARMENDRA RAM Son of Sunil Ram Residence of Village - Dharmpur
Pondil, P.S. - Kurtha, Dist.- Arwal.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62394 of 2022)

For the Petitioner/s : Mr.Jitendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

(In CRIMINAL MISCELLANEOUS No. 65680 of 2022)

For the Petitioner/s : Mr.Nitya Nand Neeraj, Adv.

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023

Heard learned counsel for the petitioners and the



State through video conferencing in view of the Covid-19.

Learned counsel for the petitioners submit that so far as the petitioner No. 4 (Ramu Ram) in Cr. Misc. No. 62394 of 2022 @ Ramu Kumar is concerned, he has been arrested and as such, the petition of him has become infructuous.

The petitioners apprehend their arrest in connection with Kurtha P.S. Case No. 145 of 2022 instituted under Sections 147, 148, 149, 452, 324, 307, 354, 379, 504 and 506 of the Indian Penal Code and section 27 of Arms Act.

As per the prosecution story, the accused persons armed variously entered the house of the informant, Anil Yadav and opened fire hitting him on his right leg. Further allegation is against Dharmendra Ram (Cr. Misc. NO. 65680 of 2022) is that he gave 'garasa' blow indiscriminately to the informant side and one Nitish Kumar received injury on his head.

Learned counsel for the petitioners submit that there is no specific allegation against the petitioners and they have been falsely implicated in this case due to the earlier grudge.

Learned APP on the other hand opposes the prayer for bail.

Taking into account the fact that the allegation that has come against Dharmendra Ram (Cr. Misc. No. 65680 of



2022), this Court is not inclined to extend him privilege of anticipatory bail which is accordingly rejected.

So far as the other accused persons are concerned, in view of the fact that omnibus allegation have been made against them, as per para-3, they have clean antecedents and ultimately will have to face the trial, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Kurtha P.S. Case No. 145 of 2022 to the satisfaction of learned S.D.J.M., Arwal, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with the further conditions :

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;



(iii) the petitioners shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Ajay Singh/-

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