

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68117 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- AURAI District- Muzaffarpur

1. PRABHU RAM Son of Late Nathuni Ram Resident of village - Dhasna, Police Station - Aurai, District - Muzaffarpur.
2. Ram Prasad Ram Son of Prabhu Ram Resident of village - Dhasna, Police Station - Aurai, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Prasad Singh
	:	Mr. Rajeev Kumar
	:	Miss. Supriya Sinha
For the Opposite Party/s	:	Mr.Madhuri Lata

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 24-04-2023 Heard learned counsel for the petitioners as well as learned APP for the State assisted by the learned counsel for the informant.

In this case, the petitioners are seeking regular bail in connection with Aurai P.S. Case No. 133 of 2022, registered for the offences punishable under Sections 307, 323, 337, 338, 302/34 of the Indian Penal Code.

As per allegation, one year prior to lodging of the FIR the measurement of the land had taken place between both the parties who are agnates. When the informant Ranju Devi prohibited the accused persons from draining out the water



towards her land, the petitioner asked other accused persons to bring the husband of the informant on roof when he went there, all the accused persons named in the FIR badly assaulted him. Co-accused Ram Prasad Ram threw him from the roof resulting into his death.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated. There is no specific allegation against the petitioners of throwing husband of the informant from the roof. Learned counsel has also submitted that co-accused Sheela Devi having similar allegation has been granted bail. He has also submitted that the petitioners are in custody since 11.07.2022.

On the other hand, the learned counsel for the informant as well as the learned APP, Shri Shailendra Kumar have submitted that the allegation against the petitioners are not similar to Sheela Devi as the petitioners are men and the witnesses in several paragraphs have supported the prosecution witnesses.

Considering the fact that there is specific allegation on petitioner No. 2 Ram Prasad Ram who committed murder of the deceased by throwing him from the roof, his prayer for bail is hereby **rejected**.



So far as petitioner No. 1 is concerned, let him, be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur (East) in connection with Aurai P.S. Case No. 133 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner are found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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