

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68148 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- DHANSOI District- Buxar

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1. UPENDRA RAM @ UPENDRA KUMAR S/O LATE SHEOPUJAN RAM
Resident of Village- Kharahna, P.S.- Karahgar, District- Rohtas (Sasaram).
 2. SURESH RAM S/O PREMCHAND RAM Resident of Village- Nimadehra,
P.S.- Karahgar, District- Rohtas (Sasaram).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with
Dhansoi P.S. Case No. 109 of 2022 registered for the offences
under sections 147, 148, 149, 353, 323, 307, 333 and 506 of the
Indian Penal Code and sections 25(1-b)a, 26, 27 and 35 of the
Arms Act lodged on 26.07.2022 by the informant, Kamal Nayan
Pandey.

According to the prosecution case, the informant,
Kamal Nayan Pandey who is S.H.O. of Dhansoi police station
alleged that on 25.07.2022, on the basis of secret information of
co-villager, police party chased two persons who opened fire in



air and tried to escape but one of them were nabbed. He disclosed his name as Ram Surat Ram and from his possession one loaded Katta, three live cartridges and five empty cartridges were recovered. From other one, Laxman Ram nothing was recovered but later on police recovered a country made '*Katta*' and one live cartridge from the water channel which was hidden by him.

It is further alleged that police party have been further informed that some person are still present in the house of Laxman Ram thereafter' police proceed towards his house wherefrom six persons were apprehended who disclosed their name as Vijay Kumar @ Vijay Ram from his possession a country made '*Katta*' is said to be recovered, Rabindar Ram, Upendra Ram @ Upendr Kumar, (petitioner no.1) Dinanath Ram, Suresh Ram, Satendra Ram (petitioner no.2). Though in search, only one '*Katta*' is said to be recovered from the possession of co- accused Vijay Ram. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioners that so far as the present case is concerned, similar placed co-accused, namely, Satendra Bind, Ram Murat Ram and Vijay Kumar @ Vijay Ram have been extended the privilege of bail in Cr. Misc. No. 57744 of 2022 , 66975 and Cr. Misc. No.



64560 of 2022 vide order dated 09.02.2023, 21.03.2023 and 24.02.2023 respectively by a co-ordinate Bench of this Court. The last submission is that he has been in custody since 27.07.2022 (as stated in paragraph 10 of the bail application).

Learned APP for the State opposes the prayer for bail but concedes that the similar placed co-accuseds have been released on bail.

Considering the period of custody as also the fact that the similar placed co-accuseds have since been released on bail, as stated above, this Court is inclined to extend them the privilege of bail with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned C.J.M., Buxar in connection with Dhansoyee P.S. Case No. 109 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *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 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 their bail bonds;

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

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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