

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66785 of 2022

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

1. Laxman Ram @ Lakshman Ram @ Mana Ram Son Of Late Singhasan Ram R/O Vill.- Babhanauliya, P.S.- Dhansoi, Distt.- Buxar.
2. Rabindra Ram Son Of Janbahadur Ram R/O Vill.- Hakarpur, P.S.- Rajpur Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-03-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the
offences punishable under Sections 147, 148, 149, 353, 323,
307, 333, 506 of the Indian Penal Code and Sections 25(1-b)a,
26, 27, 35 of the Arms Act.

According to prosecution case, the informant Kamal
Nayan Pandey who is A.S.I.. of Dhansoi police station alleging
therein that on 25.07.2022 on the basis of secret information of
co-villager police party chased two persons who were open



firing in air and tried to escaped away but both were nabbed, who disclosed their names to be Ram Surat Ram and from his possession one loaded Katta, three live and five empty cartridges were recovered and another Laxman Ram (petitioner no.1) and from whose possession nothing was recovered but later on police has recovered a country made Katta and one live cartridge from the water of canal which was hidden by co-accused Laxman Ram. 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 in the house of Laxman Ram and wherefrom six persons were apprehended who were disclosed their names to be Vijay Kumar @ Vijay Ram from his possession a country made Katta is said to be recovered, Rabindar Ram (petitioner No.2), Upendra Ram @ Upendr Kumar, Dinanath Ram, Suresh Ram, Satendra Ram. Though in search only one Katta is said to be recovered from the possession of co-accused Vijay Ram and the police has prepared seizure list with regard to the seized fire arms.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that for the same occurrence the informant has also lodged a case bearing



Dhansoi P.S. Case No. 108 of 2022 against these petitioners. He further submits that the petitioners were granted bail in Dhansoi P.S. Case No. 108 of 2022 and it appears from the F.I.R. that due to land dispute the present occurrence took place and no one injured in the present occurrence. He further submits that the allegation as per F.I.R. is that one country made loaded Katta and one live cartridge has been recovered from the water hidden by the petitioner no.1. He further submits that nothing has been recovered from the conscious possession or the house of the petitioners rather the recovery has been made from the Ditch. He further submits that the police after investigation submitted the charge sheet against these petitioners. He further submits that similarly situated, co-accused, namely, Satendra Bind has been granted bail by this Court vide order dated 09.02.2023 passed in Cr. Misc. No. 57744 of 2022 and another co-accused namely, Vijay Kumar @ Vijay Ram has been granted bail by a Coordinate Bench of this Court vide order dated 24.02.2023 passed in Cr. Misc. No. 64560 of 2022. The petitioners are in custody since 26.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.1 carries three criminal antecedents



and he is on bail in all the cases as mentioned in Para-3 of the bail petition and petitioner no.2 carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Dhansoi P.S. Case No. 109 of 2022, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the



petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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