

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69489 of 2022**

Arising Out of PS. Case No.-93 Year-2022 Thana- TEYAR District- Bhojpur

1. Mukesh Kumar Ram, S/o Sukhdeo Ram, R/o Village- Kataibojh, P.S- Tiyar, District- Bhojpur.
2. Hari Prasad Ram, S/o Suchit Ram, R/o Village- Kataibojh, P.S- Tiyar, District- Bhojpur.
3. Ritesh Kumar Ram @ Ritesh Kumar, S/o Sukhdeo Ram, R/o Village- Kataibojh, P.S- Tiyar District- Bhojpur.
4. Sukhdeo Ram, S/o Suchit Ram, R/o Village- Kataibojh , P.S- Tiyar District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Uday Kumar, Advocate  
For the Opposite Party/s : Mr.Rabindra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      02-05-2023                      Heard learned counsel appearing on behalf of the  
petitioners and learned Additional Public Prosecutor appearing  
on behalf of the State.

Let the defect(s), as pointed out by the office, if any,  
be removed within a period of four weeks from today.

The accused/petitioners are named in the F.I.R. and  
apprehending their arrest in connection with Tiyar P.S. Case No.  
93 of 2022 registered for the offences punishable under Sections



341, 323, 307, 379, 34 of the Indian Penal Code.

The allegation against petitioners are to assault informant by means of iron rod causing head and bodily injuries, having intention to cause death, where occurrence is alleged to be found over disputes arises out of Panchayati election.

It is submitted by learned counsel appearing on behalf of the petitioners that present FIR was lodged after four days without having any just explanation, which clearly suggest that petitioners were implicated as and after thought out of local political disputes and differences. It is submitted that allegation against petitioner no. 2 is available to assault on waist of the informant, whereas allegation of assault is not available against petitioner nos. 3 and 4. It is also pointed out that the allegation against petitioner no. 1 is to cause a single head injury to informant without having any intervening circumstances and as such, it cannot be said that he was under intention to cause death of informant particularly in want of repeated blow in absence of intervening circumstances. While concluding arguments, it is submitted that above named petitioners are men of clean antecedents.

Learned APP, while opposing the prayer of bail



submitted that there is specific allegation against petitioner no. 1, Mukesh Kumar Ram to assault informant causing grievous head injury by causing fracture of scalp bone reflecting his intention to cause death of informant whereas he fairly conceded that no injury as alleged to be caused by petitioner nos. 3 and 4.

Considering the aforesaid facts and circumstances, as specific allegation to cause grievous head injury is available against petitioner no. 1, namely, Mukesh Kumar Ram, accordingly, the prayer of anticipatory bail of petitioner no. 1, namely, Mukesh Kumar Ram is rejected herewith.

However, allegation as regard to assault against petitioner no. 2 is on non-vital part and there is no allegation as regard to assault is available against petitioner nos. 3 and 4, accordingly, petitioner no. 2, namely, Hari Prasad Ram, petitioner no. 3, Ritesh Kumar Ram and petitioner no. 4 Sukhdeo Ram, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Bhojpur at Ara/concerned Court, where the case is pending in connection



with Tiyar P.S. Case No. 93 of 2022, subject to the conditions as  
laid down under Section 438(2) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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