

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77590 of 2023

Arising Out of PS. Case No.-262 Year-2023 Thana- RAJPUR District- Buxar

NITISH RAM @ NITISH KUMAR @ NITISH KUMAR RAM SON OF
RAMASHISH RAM @ RAM ASHISH RAM RESIDENT OF VILLAGE -
DEVADHIYA, POLICE STATION - RAJPUR, DISTRICT - BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Rajpur P.S. Case No. 262 of 2023 registered for the offences
punishable under Sections 147, 149, 302, 307, 120 (B), 504, 506
of the IPC and Sections 25(1-B)a, 26, 27 and 35 of the Arms
Act.

3. As per prosecution case, co-accused Akhilesh
Ram and other came to the door of the informant and started
abusing and shouting at the informant and her family members
and dragged the informant's husband and it is alleged that co-
accused Akhilesh Ram fired from his pistol which hit the chest
of informant's husband and he again fired which hit the hand of



informant's husband. It is further alleged that co-accused Lalji Ram and others fired upon informant's sons Satyam Kumar and Sanjeev Kumar due to which Satyam Kumar sustained injury on finger of left hand and Sanjeev Kumar sustained injury on left arm. It is further alleged that co-accused Akhilesh Ram told that he has committed the said occurrence at the behest of petitioner and other.

4. Learned counsel for the petitioner submits that petitioner is in custody since 03.07.2023 and bears criminal antecedent of two cases. Learned counsel for the petitioner submits that the narration of the prosecution story can be segregated into three parts, first and second part is totally related with the co-accused persons who have assaulted the victims and in the third part, there is not any kind of assault attributed against any one. In the light of narration of story as stated by informant, there is no overt-act attributed against the present petitioner. He further submits that petitioner is not the assailant of the deceased or any of the victims, namely, Satyam Kumar and Sanjeev Kumar. The specific allegation of assault is against co-accused Akhilesh Ram and others. Petitioner is quite innocent and has committed no offence as alleged in the FIR. Learned counsel orally submit that charge sheet has been



submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Dipak Ram and Ramashish Ram have already been granted bail vide Cr. Misc. No. 80948 of 2023 and Cr. Misc. No. 69563 of 2023 respectively by co-ordinate Benches of this Court and the case of present petitioner stands on similar footing and on the principle of parity, petitioner deserves bail.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail, there is no specific overt-act attributed against the present petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Buxar in connection with Rajpur P.S. Case No. 262 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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