

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25915 of 2024

Arising Out of PS. Case No.-489 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

1. Bhola Ram son of Late Thug Ram
2. Dullu Ram son of Musafir Ram
3. Arvind Ram son of Dullu Ram
4. Musafir Ram son of Ghura Ram.
All R/o Village- Kamarpur P.S- Buxar(M) Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhash, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-08-2024 Heard Mr.Abhash, learned counsel for the petitioners
and Mr.Binod Kumar, learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since 21.12.2023 in connection with Buxar(M) P.S.Case No.489 of 2023, F.I.R. dated 15.11.2023 registered for the offence punishable under Section 341, 323, 324, 307, 302, 354(B), 379, 504, 506/34 of the Indian Penal Code.

3. Specific allegation against co-accused person, namely, Dinesh Ram, is that he inflicted Khanti blow upon the head of the informant's brother Jyoti Prakash Ram (deceased) resulting in his death at Trauma Center Varanasi during his treatment.



4. Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case due to village politics. Further submits that from a bare perusal of the FIR it appears that there is specific allegation of assault is against co-accused person, namely, Dinesh Ram, who assaulted with Khanti on the head of the informant's brother namely, Jyoti Prakash Ram (deceased) and as per FIR, there is no specific allegation against the petitioners rather there is general and omnibus allegation against all the petitioners, although Mr. Ganga Sagar Ram and Nirmal Kumar have received injury in the present occurrence but the injury report of the aforesaid both persons suggests that the injuries are simple in nature and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 21.12.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid fact, petitioners have clean antecedent, there is no specific allegation of any assault or overt-act rather there is general and omnibus allegation against all the petitioners, 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 learned C.J.M., Buxar in connection with Buxar(M) P.S.Case No.489 of 2023, with the following conditions:-

(I) 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.

(II) 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.

(III) 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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