

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25853 of 2024

Arising Out of PS. Case No.-385 Year-2023 Thana- KARAHGAR District- Rohtas

1. Sheo Parsan Ram Son of Late Budhan Ram
2. Chandrama Ram
3. Somaru Ram, both Son of Sheo Parsan Ram
4. Durgesh Ram Son of Late Sudarshan Ram
5. Om Prakash Ram Son of Dharamraj Ram
6. Teyagi Ram @ Birendra Ram Son of Late Sudarshan Ram
7. Pankaj Ram Son of Teyagi Ram
8. Bahadur Ram Son of Late Pujan
9. Ram Pravesh Ram Son of Late Pujan Ram
10. Chandra Mohan Ram Son of Sheo Bachan Ram
11. Sonu Ram Son of Surendra Ram

All Resident of Village- Latara, Police Station- Kargahar (Barahari O.P.),
District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 2 06-05-2024 1. Heard learned counsel for the petitioners as well as
learned APP for the State.
2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 147, 149, 341, 342, 323, 324, 325, 326, 447 and 504 of



the IPC in connection with Kargahar (Barahari O.P.) P.S. Case No.385 of 2023.

3. The learned counsel for the petitioners submit that petitioners are person with clean antecedent and have been falsely implicated in the instant case by the informant with general and omnibus allegation of assault.

4. It is next submitted that the informant alleges that on 11.10.2023 petitioners along with other named accused persons came at his door armed with *lathi*, danda and started abusing and when informant protested then she was assaulted by the accused persons including the petitioners, on account of which she fell on the ground and when informant raised alarm her husband came to rescue her when he was also assaulted indiscriminately by lathi, danda and the accused dragged him to southern part of the road of the village and was assaulted causing fracture of hand and thereafter it is alleged that the accused persons assaulted her husband by knife on his private part causing injury.

5. The learned counsel for the petitioners submit that petitioners have been falsely implicated in the instant case with general and omnibus allegation. It is next submitted that though there is allegation of assault but then the FIR does not



specifically alleges that it were these petitioners who assaulted the husband of the informant by knife, causing injury on private part. The learned counsel thereafter submits that a supplementary affidavit has been filed bringing on record the injury report of the injured. It is also submitted that the informant has entered into a compromise with the accused persons.

6. The learned APP opposes the anticipatory bail application and submits that offences are not compoundable and the allegation is heinous inasmuch as the accused are alleged to have assaulted the husband of the informant on his private part which gets corroborated by the injury report annexed with the supplementary affidavit. It is also submitted that no doubt the allegation of assault is general and omnibus in nature, but then the same does not absolve the petitioners of the offence for the reason that they were present at the place of occurrence and hence the accused persons felt emboldened in committing occurrence of such nature. It is also submitted that though it has been submitted that the compromise has been entered which amply demonstrates that informant being a helpless lady was coerced into submission to enter into a compromise with respect to an offence which is non-compoundable that in itself



demonstrates the might of the petitioners.

7. Considering the submissions made by the learned counsel APP, the Court is not inclined to extend the privilege of anticipatory bail to the petitioners, accordingly, the anticipatory bail application is rejected.

(Satyavrat Verma, J)

Prakash Narayan

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