

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27104 of 2024

Arising Out of PS. Case No.-503 Year-2023 Thana- RAMGARH District- Kaimur (Bhabua)

1. Jitendra Ram
 2. CHANDAN RAM
- Both 1 and 2 are Sons Of Munna Ram, R/o Village- Mahuar PS -Ramgarh District- Bhabhua Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aquaib Khan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr.Aquaib Khan, learned counsel for the petitioners and Mr.Abhay Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Ramgarh P.S.Case No.503 of 2023, FIR dated 27.12.2023 registered for the offences punishable under Sections 147,148,149,302 of the Indian Penal Code.

3. Allegation against the petitioners is that they alongwith other co-accused persons assaulted to the father of the informant by means of lathi danda and rod. Later on the informant with help of others took his father at hospital and after Trauma Center at Varanashi but on way he died.



4. Learned counsel for the petitioners submits that petitioner No.2 has clean antecedent and petitioner No.1 carries one more case other than the present one. They have falsely been implicated in the present case due to previous dispute between the parties. Further submits that from a bare perusal of the FIR it appears that the informant is not the eye witness of the alleged occurrence and on the basis of the suspicion the informant has implicated the petitioners and their family members in the present case and it appears that the date of occurrence as alleged in the FIR is 25.12.2023 but the present FIR has been instituted on 27.12.2023 after delay of two days without giving any explanation of delay and there is no specific allegation of any assault or overt-act is attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. Further submits that co-accused persons, namely, Babulal Ram and Pappu Ram have been granted privilege of anticipatory bail by this Court vide order dated 01.05.2024 passed in Cr. Misc. No.25211 of 2024.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.



6. Considering the aforesaid facts and there is no specific allegation of any assault or overt-act is attributed against the petitioners, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 District and Sessions Judge, Kaimur, Bhabhua in connection with Ramgarh P.S.Case No.503 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 bonds 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 antecedents, 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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