

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32324 of 2024

Arising Out of PS. Case No.-400 Year-2023 Thana- SAHPUR District- Bhojpur

Jai Prakash Ram @ Jay Prakash Prasad, Son Of Late Ram Chandra Ram,
Village-Dewmalpur Bahudari, P.S.- Shahpur (Karnamepur), Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-05-2024 Heard Mr. Shiv Prasad Gupta, learned counsel
appearing on behalf of the petitioner and Mr. Tarun Prasad
Mandal, learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Shahpur (Kanamepur) P.S. Case No. 400 of 2023,
registered for the offences punishable under Sections 341, 323,
307, 354(B), 385, 504 & 34 of the Indian Penal Code.

3. Allegedly while the informant was fixing Peg (Tati)
in her land, in the mean time all the FIR named accused persons
including the petitioner came there and started abusing. When
the same was protested all the FIR named accused persons
including the petitioner brutally assaulted the informant. It is
specifically alleged that co-accused Suraj Ram, Sashi Ram and
Om Prakash assaulted the informant and other persons



by means of iron rod, due to which they sustained head injury. Further allegation has also been reported that accused persons pelted stones.

4. Learned advocate appearing on behalf of the petitioner contended that the alleged occurrence as narrated in the FIR has taken place on 31.08.2023 but the present FIR has been instituted on 03.09.2023 and no explanation for any delay has been assigned. It is next contended that the FIR has been instituted in the premise of a land dispute resulting into a case and counter case being Shahpur (Kanamepur) P.S. Case No. 399 of 2023 instituted against the informant and her family members. Referring to the FIR, it is next contended that there is no specific allegation of any overt act against the petitioner, moreover, the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submitted that he has actively participated in the crime wherein two persons have sustained serious injuries.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the specific



allegation of assault has been levelled against other co-accused persons coupled with the delay in lodging of the FIR and the fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Shahpur (Kanamepur) P.S. Case No. 400 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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