

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32984 of 2024

Arising Out of PS. Case No.-589 Year-2023 Thana- MADHUBAN District- East Champaran

1. Raju Ram S/o Bhikhari Ram @ Jhakan Ram R/o vill - Jogauniya Tola Nankar, P.s - Madhuban, Distt. - East Champaran
2. Surendra Ram S/o Bhikhari Ram @ Jhakan Ram R/o vill - Jogauniya Tola Nankar, P.s - Madhuban, Distt. - East Champaran
3. Sikandar Ram @ Sikendra Ram S/o Bhikhari Ram @ Jhakan Ram R/o vill - Jogauniya Tola Nankar, P.s - Madhuban, Distt. - East Champaran
4. Kiran Devi W/o Raju Ram R/o vill - Jogauniya Tola Nankar, P.s - Madhuban, Distt. - East Champaran
5. Sumitra Devi @ Sumtara Devi W/o Sikandar Ram @ Sikendra Ram R/o vill - Jogauniya Tola Nankar, P.s - Madhuban, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Rashmi Jha, Advocate Mr. Abhishek Kumar , Advocate
For the Opposite Party/s :		Mr. Umeshanand Pandit , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-06-2024 Heard learned counsel for the petitioners and the learned APP *Mr. Umeshanand Pandit* for the State .

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 302 and 34 of the Indian Penal Code .

3. As per F.I.R., on the alleged date and time of occurrence, when the son of the informant was going to his workplace on his motorcycle, meanwhile at *Nankar Chowk*, one *Raju Ram* sustained injuries with the looking glass of the



motorcycle of son of the informant. It is further alleged that due to the aforesaid reason, all these petitioners took the son of the informant into the house and brutally assaulted him with *danda* and brick. It is further alleged that when the son of the informant became unconscious, all these petitioners threw the son of the informant by the side of the road. The informant took his son to the hospital, and during the course of treatment he died.

4. It is submitted on behalf of the petitioners that from bare perusal of the F.I.R., it is apparent that informant is not eye - witness to the occurrence . F.I.R., has been lodged after the delay of 25 days without any plausible explanation which itself makes the prosecution case doubtful. It is not the case of homicide nor suicide rather it is a case of accident and the fact is that the son of informant collided with the bike of other and he fell down in ditch along with his bike and he sustained serious injuries and during course of treatment he died. It is further submitted that only with a view to extort money, these petitioners have falsely been implicated in this case . Petitioners claim clean antecedent.

5. Learned counsel for the State oppose the bail petition.



6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, be enlarged 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 the learned Chief Judicial Magistrate , Motihari, East Champaran in connection with Madhuban P.S. Case No. 589 of 2023 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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