

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36442 of 2024

Arising Out of PS. Case No.-270 Year-2020 Thana- BHORE District- Gopalganj

Munna Ram son of Shankar Ram, R/o Village- Semra, PS- Bhore, Dist-
Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner : Mr. Adesh Raj, Advocate
For the Opposite Party : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-06-2024 Heard Mr. Adesh Raj, the learned counsel for the

petitioner and Mr. Md. Mushtaque Alam, the learned Additional

Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

30.01.2023 in connection with Session Trial No. 404 of 2023,

arising out of Bhore P.S. Case No. 270 of 2020, FIR dated

01.09.2020, registered for the offences punishable under

Sections 302, 341, 323, 325, 307, 504 and 506 of the Indian

Penal Code.

3. Earlier the petitioner has moved for grant of regular

bail before this Hon'ble Court in Cr. Misc. No. 32937 of 2023,

which was rejected vide order dated 22.08.2023. The petitioner

had also moved for grant of anticipatory bail before a co-

ordinate Bench of this Court in Cr. Misc. No. 45097 of 2021,



which was also rejected vide order dated 03.08.2021.

4. According to the prosecution case, the petitioner along with co-accused person came at the door of the informant and started calling names and upon informant and her family members' objection, the petitioner assaulted the father-in-law of the informant by means of hand pump's handle and co-accused Ajay Ram hit on the head of informant's husband by means of iron-rod. It is further alleged that both the husband of the informant and her father-in-law became unconscious due to injury. It is lastly alleged that informant's father-in-law succumbed to his injury.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to admitted land dispute between the parties and upon perusal of the FIR it appears that there is no specific allegation against the petitioner, rather there is general and omnibus allegation against all the accused persons including the petitioner that they have assaulted the husband and father-in-law of the informant. He further submits that the co-accused namely, Dukhani Devi has been granted regular bail by a co-ordinate Bench of this Court vide order dated 19.07.2021, passed in Cr. Misc. No. 18410 of 2021. He



lastly submits that the petitioner is in judicial custody since 30.01.2023.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances and the petitioner's period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned District & Session Judge-V, Gopalganj, in connection with Bhore P.S. Case No. 270 of 2020, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers 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 learned trial



Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. 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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