

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38105 of 2024

Arising Out of PS. Case No.-119 Year-2023 Thana- YADOPUR District- Gopalganj

1. Ganesh Ram S/O Late Jagjiwan Ram R/O Village- Chatur Bagaha Nawada,
P.S.- Yadopur, Dist- Gopalganj
2. Buniyad Ram S/O Late Babulal Ram R/O Village- Chatur Bagaha Nawada,
P.S.- Yadopur, Dist- Gopalganj

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Naresh Prasad, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners seek regular bail in a case registered for the offence punishable under sections 341, 323, 307 and 302/34 of the Indian Penal Code.

3. As per the prosecution case, on 20.05.2023 while the informant's husband Amrika Ram was filling soil in the house premises, at around 6 PM her neighbours Ganesh Ram (petitioner no.1), Buniyad Ram (petitioner no.2), Dipu Kumar, Ranjeet Kumar, Rita Devi and Shila Devi, all variably armed with Kudal, iron rod, started abusing and assaulting her husband. When informant and her family members Sandeep Ram, Gudari Ram, Mundrika Ram and Kanti Devi rushed to rescue him then these petitioners brutally assaulted them with with Kudal and iron rod. In the assault, Kanti Devi got unconscious and fell down and in the course of treatment, she died due to the injuries sustained by her in the occurrence.

4. Learned counsel appearing for the petitioners submits that admittedly there is land dispute between the parties in which free fight took place between them. Kanti Devi died after 7 days of the incident. F.I.R. has been lodged after delay



of seven days without any explanation which renders the entire prosecution case doubtful. Petitioners claim clean antecedent. They are in custody since 23.2.2024.

5. Learned counsel for the State opposes the prayer for bail. He submits that the petitioners are named in the FIR with specific allegation that they assaulted the deceased with spade and iron road causing her death during treatment. Post mortem report also supports the allegation to the extent that deceased died due to hemorrhage and shock due to injuries.

6. Considering the nature and gravity of allegation, prayer for bail of these petitioners is rejected.

(Prabhat Kumar Singh, J)

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