

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37950 of 2024

Arising Out of PS. Case No.-389 Year-2021 Thana- DIGHWARA District- Saran

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RAM PRAVESH RAM S/O LATE SHIVNATH RAM R/O VILLAGE-
MANUPUR, P.S- DIGHWARA, DISTT.- SARAN AT CHAPRA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Basant Kumar Singh, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 06-09-2024 Heard Mr. Basant Kumar Singh, learned counsel for

the petitioner and learned counsel for the informant as also the

State.

2. The petitioner is in judicial custody in connection
with Dighwara P.S. Case No. 389 of 2021 for the offence
punishable under Sections 341, 323, 324, 302, 504, 506 and 34
of the India Penal Code lodged on 13.12.2021 by the
informant, Ajit Ram.

3. As per the prosecution story, the allegation against
the petitioner is that the deceased had gone to Public
Distribution Shop in the house of Putul Devi. Suddenly, this
petitioner came and firstly abused the informant and later
pushed him on the ground. Further, allegation is that Putul Devi
brought 'Farsa' which was used by this petitioner to assault on



the head of the informant though he managed to escape the said attack. In the meantime, his father came when this petitioner, it is alleged that he gave 'Farsa' blow on the head of his father as a result, he got injured. The further allegation against other accused persons is/are of beating both father and son repeatedly. It was due to local, they were saved, taken to Primary Health Center, Dighwara from where PMCH where his father succumbed to the injuries. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that though allegation of assault by 'Farsa' is there, the allegation against the other accused persons is/are also who were armed variously of assaulting the informant's father. He being the husband of Putul Devi with whom the informant's father was having some issue, the main allegation has been made against him. He further submits that he is in custody since 26.03.2023 (para-4 of the petition). Last submission is that if granted bail, as trial is on, he undertakes to diligently appear there without fail and failure to do so on any single date, steps can be taken for cancellation of his bail bond. It is his further undertaking that under no circumstance, he will be taking any step to coerce either the informant and/or the witnesses and in case, such allegation comes, the State shall be free to take steps for



cancellation of his bail bond.

5. Learned counsel for the informant on the other hand submits that allegation of giving 'Farsa' blow on the head of the informant's father is attributed to this petitioner which proved fatal. He submits that there is allegation of assault by other accused persons also. The main allegation is against this petitioner.

6. Learned APP supports the submission of the informant.

7. In this case, report was called for and as per the report dated 22.07.2024, the Sessions Trial no.704/23 has been amalgamated with the Sessions Trial no. 268/23 whereafter charges were framed on 04.05.2024 and eight witnesses have been named in the charge-sheet and till the submission of the report, no witness was examined and the case was at the stage of prosecution evidence.

8. Taking into account the aforesaid submission put forward by both the learned counsel for the petitioner and the State as also the informant, though there is allegation against this petitioner of using 'Farsa', the fact remains that he is in custody since 26.03.2024 and as per the report, the trial has still not been commenced till the report dated 04.07.2024 was



submitted though learned counsel for the petitioner submitted that now the trial is on and two witnesses have been examined, the learned counsel for the petitioner has given an undertaking as follows:

- (i) he shall be diligently appearing in trial on each and every date;
- (ii) under no circumstance, the petitioner will try to influence/coerce the witnesses.

9. In that background, this Court is inclined to extend him the privilege of bail with conditions.

10. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Saran at Chapra, in connection with Dighwara P.S. Case No. 389 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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