

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50251 of 2023

Arising Out of PS. Case No.-147 Year-2022 Thana- CHAINPUR District- Kaimur (Bhabua)

SHRAVAN RAM SON OF LATE RAMGATI RAM RESIDENT OF
VILLAGE - KURAI, P.S. - CHAINPUR, DISTRICT - KAIMUR AT
BHABHUA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

8 28-06-2024 Heard learned counsels for the respective parties.

2. In the present bail application, petitioner has prayed
for the following relief/reliefs:

*“That this is an application on behalf
of the petitioner for grant of regular bail to the
petitioner in connection with Chainpur P.S.
Case No. 147 of 2022 for the offences under
section 147/149/341/323/337/338/302/504/506
of the Indian Penal Code”*

3. On 23.12.2022, following order was passed in Cr.
Misc. No. 57339 of 2022:

*“This matter is heard via video
conferencing.*

Petitioner is seeking for regular bail



in connection with Chainpur P.S Case No. 147 of 2022 for the offences under Section 147,149,341,323,337,338,302,504,506 of the Indian Penal Code. He had filed bail petition no. 354 of 2022 on the file of Additional Sessions Judge-I cum Special Judge, Kaimur at Bhabua. Learned Additional Session Judge has taken note of factual aspects of the matter that petitioner assaulted two times with lathi that too on the head. Consequently the case was supported by Case Diary in Para 4 & 5. These materials have been taken into consideration and proceeded to reject the bail.

Having regard to the fact that petitioner has assaulted with lathi on the head which is a vital part of the body and offences are relating to heinous crime. Merely, filing of charge-sheet that does not enure to the benefit of regular bail unless and until prime witnesses are examined.

In the light of these facts and circumstances the petitioner has not made out a case for regular bail. Accordingly, regular bail application stands rejected.”

4. For the second time the present bail application has been filed. Petitioner is involved in the Chainpur P.S. Case No. 147 of 2022 for the offences under Section 147, 149, 341, 323, 337, 338, 302, 504, 506 of the Indian Penal Code.



5. Perusal of the records, it is evident that petitioner is in custody from 02.07.2022. Four witnesses have been examined as on this day. The petitioner is agriculturist and he is not involved in any other criminal proceedings.

6. Having regard to the fact that he is involved in isolated case and trial would take its own time and the fact that petitioner is in custody since 02.07.2022 and he would be completing two years of custody on 01.07.2024, in the light of these facts and circumstances, petitioner has made out *prima facie* case for grant of regular bail. Accordingly, bail application is allowed.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned court of A.D.J-XI, Kiamur at Bhabua, District-Kaimur at Bhabua and/or other transferee court in connection with Sessions Trial No. 427 of 2022 arising out of Chainpur P.S. Case No. 147 of 2022 subject to following conditions:-

(i) The petitioner shall co-operate in investigation and in conclusion of the trial.

(ii) He shall remain present on each and every date of



trial till conclusion of trial.

(iii) He shall not try to tamper with the evidence or intimidate the witness to delay the conclusion of trial.

(iv) In the event of default of two consecutive dates without any valid reasons, his bail bonds is liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in the case, at any stage, it is found that petitioner had concealed his criminal antecedent, the court below or investigating authority shall take immediate step for cancelling bail bond of the petitioner. However, acceptance of bail bonds, in terms of the aforementioned order shall not be delayed for this purpose or in the name of verification.

(P. B. Bajanthri, J)

GAURAV S./-

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