

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58328 of 2024

Arising Out of PS. Case No.-60 Year-2024 Thana- GOPALPUR District- West Champaran

1. Manbodh Ram, Gender- Male, aged about 22 years, son of Sahdeo Ram,
 2. Rajendar Ram @ Rajendra Ram, Gender- Male, aged about 35 years, son of Deo Narayan Ram @ Dev Narayan Ram,
 3. Gaya Bhagat, Gender- Male, aged about 50 years, son of Late Bairagi Bhagat,
 4. Santosh Ram, Gender- Male, aged about 25 years, son of Sahdeo Ram,
 5. Awadhesh Ram, Gender- Male, aged about 33 years, son of Late Pundeo Ram,
 6. Rampravesh Ram, Gender- Male, aged about 35 years, son of Late Pundeo Ram,
- All are resident of Village- Purainadih, PS- Gopalpur Dist- West Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sarvesh Kashyap, Advocate Mr. Dipak Kumar, Advocate
For the State	:	Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Sanjeev Kumar, Advocate Mr. Sitesh Kashyap, Advocate Mr. Bharti Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 16-12-2024 Heard learned counsel for the petitioners; learned Additional Public Prosecutor for the State and learned counsel for the informant, who has appeared *suo motu*.

2. Learned counsel for the petitioners at the very outset seeks permission to withdraw this application in so far as it relates to petitioner no.6, Rampravesh Ram, since he has been arrested during the pendency of this application.

3. In such view of the matter, this application is



dismissed as withdrawn in so far as it relates to petitioner no. 6, Rampravesh Ram.

4. The petitioner nos. 1 to 5 apprehend arrest in connection with Gopalpur PS Case No.60 of 2024 dated 08.05.2024, instituted under Sections 147, 148, 149, 341, 323, 324, 325, 307, 302, 427, 435, 504, 506 of the Indian Penal Code.

5. The prosecution case, in brief, is that on 06.05.2024 all the F.I.R. named accused persons came with variously arms at the hut of the informant and then Rajendra Ram ordered to put the hut of the informant on fire, and then Santosh Ram sprinkled petrol on the hut of the informant and put the hut on fire. The informant further alleged that he came out from the hut with his mother namely Sugiya Devi and then all accused persons assaulted him and caused fractured injury in the leg of Shiv Prasad and all accused threatened that they will capture the house of the petitioner. The informant further alleged that on 07.05.2024 at 2.00 A.M., her mother Sugiya Devi, sister Nirmala Devi and her wife Sunita Devi were keeping watch on the house and then all accused persons variously armed came and started abusing the mother of informant and when the wife and sister of informant raised objection then Manohar Ram,



Sahdeo Ram and Ramnath Ram had killed the mother of informant by throttling her neck. The informant further alleged that motive behind the occurrence is that the accused persons are powerful people and they are trying to capture the land of the informant and for which a case has been lodged by the police under section 107 of the Cr.P.C. and due to this reason the accused persons had put the house of informant on fire and they have killed the mother of informant and he further alleged that after the occurrence the police came and the dead body was sent for the *post-mortem* examination.

6. Learned counsel for the petitioners submits that they are innocent and have been falsely implicated in this case. It is further submitted that there is specific allegation against co-accused Manohar Ram, Sahdeo Ram and Ramnath Ram with regard to killing the mother of the informant. Further submission is that there is no specific allegation against petitioner nos. 1, 3 and 5 and there is only general and omnibus allegation against them. Petitioner no. 2 is alleged to be order giver on whose direction petitioner no. 4 sprinkled petrol on the hut of the informant but there is no evidence of burning of any house or any material to connect with such crime. There is case and counter case between the parties. Counter case i.e.,



Gopalpur PS Case No.69 of 2024 has been lodged by Sahdeo Ram against the informant and others. Further, it is submitted that one case is pending against petitioners no. 5 and petitioner nos. 1 to 4 have clean antecedents.

7. Learned APP as well as learned counsel for the informant have vehemently opposed the prayer for anticipatory bail and submitted that there is specific allegation against petitioner no.2 and 4, namely, Rajendra Ram and Santosh Ram, of putting the hut of the informant on fire.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners **except petitioner no.6 (Rampravesh Ram)** be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran, in Gopalpur PS Case No.60 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

9. The application stands disposed of.

(Khatim Reza, J)

J. Alam/-

U		T	
---	--	---	--

