

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59428 of 2024

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

1. Manohar Ram, Gender- Male, aged about 28 years, son of Sahdeo Ram,
2. Ramnath Ram, Gender- Male, aged about 40 years, son of Late Bhokat Ram
@ Late Jhokat Ram,
Both resident 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	:	Mr. Tapeswar Sharma, 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.2, Ramnath 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dismissed as withdrawn in so far as it relates to petitioner no. 2,
Ramnath Ram.

4. The petitioner no. 1, Manohar Ram, apprehends



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 petitioner submits that petitioner no.1 is innocent and has been falsely implicated in this case. It is submitted that 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. *Fard beyan* of the informant of counter case was recorded on 07.05.2024 at 4.40 PM for the occurrence of 06.05.2024. The said statement was recorded at Government Medical College & Hospital, Bettiah. It is further submitted that Sahdeo Ram was discharged from the hospital on 10.05.2024 which would appear from the discharge summary. He was admitted on 06.05.2024 and discharged on 10.05.2024. Instant case has been lodged on 08.05.2024 for the occurrence of 06.05.2024 and there is no explanation for the delay in lodging in the FIR. Learned counsel further submits that the *post*



mortem report reveals that there was no external injury on the person of the deceased. Lastly, it is submitted that petitioner no. 1 has one criminal 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.1 and two others of killing the mother of the deceased.

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 **petitioner no.1, Manohar Ram**, be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) 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/-

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