

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 64925 of 2024

Arising Out of PS. Case No.-188 Year-2020 Thana- SANDESH District- Bhojpur

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1. Baban Ram Son of Late Shiv Kumar Ram R/O Vill.- Nashratpur, P.S.- Sandesh, Dist.- Bhojpur.
 2. Shrawan Ram Son of Late Shiv Kumar Ram R/O Vill.- Nashratpur, P.S.- Sandesh, Dist.- Bhojpur.
 3. Shudhir Ram Son of Late Dev Kumar Ram R/O Vill.- Nashratpur, P.S.- Sandesh, Dist.- Bhojpur.
 4. Kamlesh Ram Son of Raj Kumar Ram R/O Vill.- Nashratpur, P.S.- Sandesh, Dist.- Bhojpur.
 5. Jugesh Ram @ Jugeshwar Ram Son of Raj Kumar Ram R/O Vill.- Nashratpur, P.S.- Sandesh, Dist.- Bhojpur.
 6. Awadhesh Ram @ Ram Awadhesh Ram Son of Late Sarifa Ram R/O Vill.- Nashratpur, P.S.- Sandesh, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-10-2024 Heard learned counsel appearing on behalf of the
petitioners and learned A.P.P. appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Sandesh P.S. Case No. 188 of 2020 registered under Sections 147, 149, 341, 323, 325 and 504 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., the petitioners along with other co-accused have assaulted the informant and his son on different part of the body, as well as other family members.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they have falsely been implicated in the present case. Learned counsel further submitted that the main cause of alleged occurrence is due to the fact that the daughter of the petitioner no. 6 had been eloped with the nephew of the informant and the same was objected by them and in this regard, the daughter of petitioner no. 6 had already lodged an F.I.R. against the petitioner no. 6 and other accused persons bearing Sandesh P.S. Case No. 113 of 2020. Learned counsel, however, admits that there is a specific allegation against petitioner no. 5 Jugesh Ram that he had assaulted the son of the informant, who had sustained injury which has been noticed by the learned District Court that the same is grievous in nature. So far as petitioners no. 1, 2, 3, 4 & 6 are concerned, against them, general and omnibus allegation has been made in the F.I.R. On these grounds, the petitioners seek to be released on bail.

5. Learned A.P.P. for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that with common intention, the petitioners wanted to kill the son of the informant and had assaulted the other family members of the informant, so they don't deserved to be released on bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the nature of allegation against petitioners no. 1, 2, 3, 4 & 6 being general and omnibus, I am of the opinion that petitioners no. 1, 2, 3, 4 & 6 have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioners no. 1, 2, 3, 4 & 6 on anticipatory bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Judicial Magistrate, Ist Class Bhojpur, Ara or Successor Court, Bhojpur, Ara in connection with Sandesh P.S. Case No. 188 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedents of the petitioners no. 1, 2, 3, 4 & 6, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners no. 1, 2, 3, 4 & 6, as what has been stated in paragraph no. 3, this order will lose its force automatically.

9. So far as petitioner no. 5 is concerned, the nature

of allegation alleged in the F.I.R., there is direct allegation against petitioner no. 5 Jugesh Ram that he had assaulted the son of the informant who has sustained grievous injury and he was taken for treatment at Sadar Hospital and the injury was found to be grievous in nature, I am not inclined to enlarge the petitioner no. 5 on pre-arrest bail.

10. Accordingly, the present pre-arrest bail application stands disposed of.

(Purnendu Singh, J)

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