

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73960 of 2023

Arising Out of PS. Case No.-144 Year-2023 Thana- GHANSHYAMPUR District- Darbhanga

1. JAGDISH RAM son of Sitai Ram Village- South Kasraur Ps- Ghanshyampur Dist- Darbhanga
2. Ramesh Ram son of Late Mahendra Ram Village- South Kasraur Ps- Ghanshyampur Dist- Darbhanga
3. Badri Ram son of Sitai Ram Village- South Kasraur Ps- Ghanshyampur Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Prasad Yadav, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 05-03-2024 Heard Mr. Gajendra Prasad Yadav, learned
counsel for the petitioners and the State.

2. The petitioners are apprehending their arrest in connection with Ghanshyampur P.S. Case No. 144 of 2023 for the offence under Sections 323, 341, 307, 379, 504, 506, 354A and 34 of the I.P.C. lodged on 14.06.2023 by the informant, Sushila Devi.

3. Learned counsel for the petitioner at the outset submits that in paragraph-4, it has been wrongly stated that petitioner No. 1 Binde Ram and petitioner No. 04 Amit Ram attacked the informant with iron rod. Neither Binde



Ram nor Amit Ram is/are petitioner in this case nor there is any petitioner No. 04 and only three petitioners are seeking anticipatory bail. It is his further submission that for the said mistake, the Office is ready to pay Rs. 1,000/- to Patna High Court legal Services Committee within two days.

4. As per the prosecution story, the informant has alleged that when she was at her house, the accused persons came, abused and thereafter assaulted and specific allegation against Binde Ram and Amit Ram is/are of attacking the lady with iron rod causing injury in her arm. Further, omnibus allegation is against the other accused persons. Later, the injured were taken to Primary Health Center, Biraul for treatment. Accordingly, the FIR.

5. Learned counsel for the petitioners submit that that neither Binde Ram nor Amit Ram is petitioner in this case, they are aged people and only because they are the family members, implicated with omnibus allegation. Further, both of them do not have any criminal antecedent.

6. Learned APP opposes the prayer.

7. Taking into account the submissions put forward by the parties as also that the specific allegation is



against Binde Ram and Amit Ram, these petitioners do not have criminal antecedent and omnibus allegations are there against these petitioners, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 1,000/- to the Patna High Court Legal Services Committee and the receipt will be produced before the concerned Court at the time of execution of the bail bond.

8. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M., Biraul, Darbhanga in connection with Ghanshyampur P.S. Case No. 144 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark his attendance;

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

9. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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