

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73536 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- PAWANA District- Bhojpur

1. AJAD RAM Son of Late Ram Bachan Ram R/o vill - Khopira, P.s. - Pawana, Distt. - Bhojpur
2. Nitish Kumar Son of Saroj Ram R/o vill - Khopira, P.s. - Pawana, Distt. - Bhojpur
3. Shuklal Ram @ Shikul Ram @ Shukul Ram Son of Balbachan Ram R/o vill - Khopira, P.s. - Pawana, Distt. - Bhojpur
4. Babita @ Savita Wife of Ashok Ram R/o vill - Khopira, P.s. - Pawana, Distt. - Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Jagdhara Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Pawana P.S. Case No. 47 of 2023 registered under Sections 147, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code lodged on 15.06.2023 by the informant, Hirdyanand Ram.

3. As per the prosecution story, the informant has alleged that when he was going to attend the nature's call, he was intercepted by the accused persons, abused and upon protest assaulted on his head as a result whereof he became



unconscious. Upon alarm, the family members came when it is alleged that Amarnath Ram and Anshu Devi were assaulted by Dipu Ram and Babita Devi who also threw bricks from the roof causing injury to Ansu Devi. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that as per the FIR itself, the informant upon assault became unconscious and in that background, it is unimaginable that he has made allegation against accused persons specifying who hit whom. The entire story has been created to implicate the family members of the petitioners herein which included the female members.

5. Learned counsel for the informant, on the other hand, submits that a bare perusal of the FIR would show that the assault has been made on vital part.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail

7. This Court finds force in the submission put forward by the learned counsel for the petitioners. As per the allegation in the FIR, the informant upon assault became unconscious, in that background, it was impossible for him to make further allegation against other accused persons showing the assault on his family members. In that background, this



Court is inclined to extend them privilege of anticipatory bail.

8. Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bhojpur at Ara in connection with Pawana P.S. Case No. 47 of 2023, subject to condition 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 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 their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

9. Nothing recorded in this order shall be taken up for consideration by the concerned Court as the same has been recorded only for the purpose of anticipatory bail.

(Rajiv Roy, J)

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