

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73607 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- RAJPUR District- Rohtas

Uma Shankar Ram, aged about 62 years, Gender-Male, Son of Mahendra Ram, Resident of Village- Sabiya Deodharan Tola, P.S.- Rajpur, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 75563 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- RAJPUR District- Rohtas

Umesh Ram, aged about 36 years, Gender-Male, Son of Uma Shankar Ram, Resident of Village- Sabiya Deodharan Tola P.S.- Rajpur District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 73607 of 2023)

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

(In CRIMINAL MISCELLANEOUS No. 75563 of 2023)

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

Mr. Pramod Kumar, Advocate

Mr. Gyan Shankar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, I/C, APP

For the Informant : Mr. Narendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 26-02-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Rajpur PS Case No. 93 of 2023 instituted for the offences



punishable under Sections 147, 148, 149 341, 323, 324, 325, 307, 302, 504/34 of the Indian Penal Code.

3. As per the prosecution case, accused persons including these petitioners assaulted the informant and his family members.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence and have falsely been implicated in this case due to land dispute. It is further submitted that there is general and omnibus allegations levelled against the petitioners. There is land dispute between the parties. The FIR was lodged after the death of the alleged deceased. Both parties are family members. Chargesheet has already been submitted. Petitioners having clean antecedent as stated in para -3 of the petition. Learned counsel for the petitioners further submits that there is land dispute between the parties and also there is allegation against co-accused Gauri Shankar Ram and Subash Ram @ Subhash Ram, who assaulted the wife of the informant with lathi danda due to which her hand got fractured have been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 72029 of 2023 vide order dated 07.11.2023.

5. Learned APP for the State and learned counsel for



the informant vehemently opposed the prayer for bail.

6. From perusal of the case diary, FIR, postmortem report and the impugned order dated 05.09.2023 passed by the learned 19th Additional Sessions Judge, Rohtas at Sasaram, it appears that the specific allegation is as against petitioners and Rajesh Ram. All accused persons having *lathi-danda* and iron rod in their hands came hurling abuses due to land dispute. When the informant objected them for not abusing him then Uma Shankar Ram, hit him with iron rod on high right hand due to which his right hand got fractured. He also assaulted upon the head of the informant with an intention to kill due to which he sustained injury on his head. After hearing noise, the family members of the informant came to save him then Umesh Ram, hit with iron rod upon the son of the informant Bhart Ram on his leg due to which his leg got fractured and he fell down, thereafter petitioners gave a blow of iron rod on the body of Bharat Ram, thereafter son of the informant namely Bharat Ram died. From perusal of the postmortem report, it appears that the cause of death of the deceased was due to antemortem injury. Petitioners are in custody since 20.05.2023. It appears that there is no specific allegation of co-accused Gauri Shankar Ram and Subash Ram and they have been granted bail but there is direct



and specific allegation against the present petitioners, so the bail order of Cr. Misc. No. 72029 of 2023 vide order dated 07.11.2023 is not assisted to these petitioners, considering the facts and circumstances of the case and from perusal of the records, it transpires that there is specific allegation of assault upon the deceased and injury reports support the allegation against these petitioners, I am not inclined to grant bail to the petitioners.

7. Prayer for regular bail of the petitioners are hereby rejected.

8. Learned trial Court is directed to conclude the trial preferably within a period of one year from the date of receipt of this order, If the trial is not concluded within the stipulated period, the petitioners shall have the liberty to renew their prayer for bail before the trial Court.

(Ramesh Chand Malviya, J)

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