

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80458 of 2023

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

RAJESH RAM S/o- UMA SHANKAR RAM Village- Sabiya Deodharan Tola
Ps- Rajpur Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 03-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks 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, 354 and 504/34 of the Indian Penal Code.

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

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case due to land dispute. It is further submitted that there is general and omnibus allegations levelled against the petitioner. 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. Petitioner having clean antecedent as stated in para -3 of the petition.

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 against petitioner and co-accused 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 co-accused 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 petitioner 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. Petitioner 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 petitioner, so the bail order of Cr. Misc. No. 72029 of 2023 vide order dated 07.11.2023 is not assisted to this petitioner, 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 antemortem injury mentioned in Postmortem report supports the allegation against this petitioner, so I am not inclined to grant bail to the petitioner.

7. Prayer for regular bail of the petitioner is 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 a copy of this order and if the trial is not concluded within the stipulated period, the petitioner shall have the liberty to renew his prayer for bail before the trial Court.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

U		T	
---	--	---	--

