

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77937 of 2023

Arising Out of PS. Case No.-227 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Gautam Ram Son Of Suresh Ram R/O Kotwa Ward No. 6, P.O. And P.S. And Distt. - Gopalganj, Bihar
 2. Manu Ram Son Of Suresh Ram R/O Kotwa Ward No. 6, P.O. And P.S. And Distt. - Gopalganj, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akshay Ashish

For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-02-2024 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 302, 307, 504/34 of the Indian Penal Code.

Prosecution case in nutshell is that while the informant and his uncle, namely, Hariram Prasad Singh were standing and talking among themselves at the door of their under constructed house, co-accused Suresh Ram started abusing them. In the meantime, petitioners, armed with stick, bamboo and iron rod, came there and started



assaulting. Petitioners assaulted the uncle of informant due to which he sustained head injuries and during treatment he succumbed to injuries. It is further alleged that co-accused Sabitree Devi assaulted the informant by means of stick.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have committed no offence. They have falsely been implicated in the present case. There is case and counter case between the parties and in the background of land dispute, present occurrence took place. Members of the petitioner side have also sustained injuries. There is general and omnibus allegation against the petitioner. Postmortem report is not in consonance with the prosecution version of the case as according to it, one lacerated wound over right parietal-occipital region was present but as per prosecution case the allegation against the petitioners is that they assaulted the deceased on head. Moreover, the petitioners are languishing in judicial custody since 07.07.2023. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.



Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail, after framing of charge, if not framed, in connection with Gopalganj P.S. Case No. 227 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gopalganj.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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