

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82836 of 2023

Arising Out of PS. Case No.-339 Year-2023 Thana- NAANPUR District- Sitamarhi

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RAM BABU DAS, SON OF LATE RAMODAR DAS R/O VILLAGE-
BATHAUL, P.S.- NANPUR, DIST.- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP-84

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with
Nanpur P.S. Case No. 339 of 2023, lodged on 13.07.2023 under
Sections 341, 302, 120(B) of the Indian Penal Code read with
section 27 of the Arms Act.

3. As per the prosecution case, FIR has been lodged
against ten named accused persons including the present
petitioner. The allegation against six accused persons is that they
have fired on the informant's father and subsequent allegation
against three accused persons is that with a view to kill and in
result, the informant's father was killed.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel



also submits that the allegations are in two parts. In the first part, the allegation against six accused persons who fired by their pistol due to which the informant's father fell down and in the second part, specific allegation against three accused persons is that they have killed the informant's father by gun fire. Counsel further submits that the petitioner's name has been inserted in this case only due to the reason that his criminal antecedent is not clean.

5. Learned counsel for the petitioner submits that the criminal antecedent of the petitioner is not clean and there are three criminal cases pending against him in which he is on bail and two cases are relating to Excise Act. The petitioner is in custody since 14.07.2023 in the present case.

6. Learned APP for the State opposes the prayer for bail of the petitioner

7. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that in the first set of firing, name of the present petitioner is also there due to which the informant's father fell down from the motorcycle and thereafter, other three persons have made gun shot due to which he was killed. Counsel also submits that the allegation made in the FIR has been fully supported by the post-



mortem report where, five injuries have been found by the Doctor and cause of death is also due to gun shot injury. Counsel further submits that case diary as well as post-mortem report has been called for *vide* order dated 04.01.2024 in which involvement of the petitioner cannot be ruled out.

8. Upon specific query of the Court from the counsel for petitioner that whether charge has been framed in this case or not, counsel submits that as per his knowledge, charge has not been framed in this case. But, he submits that case has already been committed to the Sessions Court.

9. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only six months after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupri at Sitamarhi in connection with Nanpur P.S. Case No. 339 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

10. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-



(I)- Nanpur P.S. Case No. 50 of 2012.

(II)- Nanpur P.S. Case No. 180 of 2020.

(III)- Nanpur P.S. Case No. 153 of 2022.

(Dr. Anshuman, J.)

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