

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85604 of 2023

Arising Out of PS. Case No.-336 Year-2023 Thana- MADHUBAN District- East Champaran

1. Pramod Ram S/O Bhagya Narayan Ram, R/O Village- Jogaulia Tola- Palat, Ps. Madhuban, Dist. East Champaran.
2. Amodh Kumar @ Amodh Ram S/O Bhagya Narayan Ram, R/O Village- Jogaulia Tola- Palat, Ps. Madhuban, Dist. East Champaran.
3. Ranjay Ram S/O Jagdish Ram, R/O Village- Jogaulia Tola- Palat, Ps. Madhuban, Dist. East Champaran.
4. Shyam Babu Ram S/O Shankar Ram, R/O Village- Jogaulia Tola- Palat, Ps. Madhuban, Dist. East Champaran.
5. Bhagya Narayan Ram S/O Late Saryug Ram, R/O Village- Jogaulia Tola- Palat, Ps. Madhuban, Dist. East Champaran.
6. Dharam Nath Ram S/O Mushafir Ram, R/O Village- Jogaulia Tola- Palat, Ps. Madhuban, Dist. East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Binod Kumar Singh, Advocate
For the State	:	Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr. Binod Kumar Singh, the learned counsel

for the petitioners and Mr. Brajendra Nath Pandey, the learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Madhuban PS Case No. 336 of 2023, FIR dated

13.07.2023, registered for the offence punishable under Section

302 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, despite the fact that



there is a title suit going on between the informant and the petitioners; the petitioners armed with *garasa*, *rod*, *dabia* and *kharia* came outside the house of the informant and assaulted her husband due to which he sustained injury. It is further alleged that due to *dabia* blow, he sustained fracture injury on his back. It is lastly alleged that when he was brought to the Motihari Sadar Hospital, the doctors declared him dead.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that there is no specific allegation against the petitioners, rather the allegation is general and omnibus in nature. He further submits that there is admitted land dispute between the parties and the allegation as alleged in the FIR is not supported by the medical evidence.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that upon perusal of the FIR, it appears that the petitioners are named in the FIR and there is specific allegation against the petitioners that all of them had assaulted the victim and apart from that the petitioners carry one criminal antecedent other than the present one.



6. Considering the aforesaid facts and circumstances and the fact that there is no specific allegation against the petitioners and the allegation as alleged in the FIR is not supported by the medical evidence, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari District, East Champaran, where the case is pending in connection with **Madhuban PS Case No. 336 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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