

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3257 of 2025

Arising Out of PS. Case No.-200 Year-2024 Thana- BOCHAHAN District- Muzaffarpur

1. Mukesh Ram,
2. Raj Kishore Ram @ Rajkishor Ram
Both sons of Late Santlal Ram, Resident of Village- Gopalpur Gopal, P.S-
Bochahan, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sagar Kumar, Advocate
For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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31-01-2025

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Bochahan P.S. Case No. 200 of 2024, registered for the offences under Sections 126(2), 127(2), 115(2), 118(1), 103(1), 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita.

3. As per the prosecution case, petitioners and other co-accused persons armed with *lathi*, *danda* and iron rod abused and assaulted the husband of the informant and thereafter, strangled him to death.

4. Learned counsel appearing on behalf of the



petitioners submits that petitioners are innocent and have been falsely implicated in this case. There is general and vague allegation against altogether 10 persons including the petitioners and no specific allegation has been made against any of the accused persons. The post mortem was conducted on the husband of the informant, but the post mortem report does not show any external injury or death caused by strangulation rather viscera has been preserved and sent for chemical examination. Even the inquest report does not speak about death caused by strangulation. Learned counsel further submits that the parties are agnates and there is dispute over partition and Partition Suit No. 41 of 2019 has been pending before the Court of learned Sub Judge-VIII, Muzaffarpur. The petitioners are in custody since 25.08.2024 and charge sheet has been submitted. The petitioners are having clean antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. Learned A.P.P. submits that the husband of the informant lost his life in assault by the petitioners and other co-accused persons.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that post mortem report does not support the allegation and



further considering the period of custody of the petitioners, submission of charge sheet and their clean antecedent, the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned 14th A.C.J.M., Muzaffarpur/concerned court, in connection with Bochahan P.S. Case No. 200 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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