

Arising Out of PS. Case No.-373 Year-2024 Thana- BAIKUNTHPUR District- Gopalganj

1. Dinesh Ram @ Dinesh Kumar Ram S/O Jaglal Ram R/O Village- Shitalpur, P.S- Baikunthpur, Distt.- Gopalganj.
2. Pappu Kumar Ram S/O Shivpukar Ram R/O Village- Shitalpur, P.S- Baikunthpur, Distt.- Gopalganj.
3. Mogal Ram S/O Late Kabilash Ram R/O Village- Shitalpur, P.S- Baikunthpur, Distt.- Gopalganj.
4. Jaglal Ram S/O Late Belas Ram R/O Village- Shitalpur, P.S- Baikunthpur, Distt.- Gopalganj.
5. Pundev Ram S/O Vakil Ram R/O Village- Shitalpur, P.S- Baikunthpur, Distt.- Gopalganj.
6. Gyanchand Ram S/O Late Kabilash Ram R/O Village- Shitalpur, P.S- Baikunthpur, Distt.- Gopalganj.

... Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate

For the Opposite Party/s : **Mr. Choubey Jawahar, A.P.P**

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 16-04-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The present Cr. Misc. Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioners who apprehends their arrest in connection with Baikunthpur P.S. Case No. 373 of 2024 lodged on 15.11.2024, for the offence punishable under Sections 126(2), 115(2), 109, 121(2), 132 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as "BNS, 2023").

3. As per the prosecution, FIR has been lodged against 8 named accused persons (including the present petitioners) and



5-6 unknown persons. It has been alleged in the FIR that petitioner no.3 namely, Mogal Ram and accused Munna Ram caught hold the collar of the informant ASI Baikunthpur P.S. and tried to press his neck also, but he was rescued with the help of police party.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that the neighbour of the petitioners has filed a case namely, Baikunthpur P.S. Case No.369 of 2024 and when the informant reached at the house of the petitioners for investigation, then all accused persons formed unlawful assembly and encircled the police party and started quarreling with them and subsequently, petitioner no.3 and other accused person caught hold the collar of the informant ASI Baikunthpur P.S. and tried to press his neck also. Counsel further submits that the criminal antecedent of the petitioners is not clean as there is one case pending against them in which they are on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that there are six petitioners in this case, but as per the FIR, specific allegation of assault upon the ASI (informant) is against petitioner no.3 and co-accused Munna Ram.



6. As such, in the present facts and circumstances of this case, let the above named petitioner no.1 namely, Dinesh Ram @ Dinesh Kumar Ram, petitioner no.2 namely, Pappu Kumar Ram, petitioner no.4 namely, Jaglal Ram, petitioner no.5 namely, Pundev Ram & petitioner no.6 namely, Gyanchand Ram be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Judicial Magistrate 1st Class, Gopalganj, in connection with Baikunthpur P.S. Case No. 373 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. So far as petitioner no.3 namely, Mogal Ram is concerned, this Court is not inclined to grant bail to him. Accordingly, the prayer for anticipatory bail of petitioner no.3 is hereby rejected.

(Dr. Anshuman, J)

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