

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26142 of 2025

Arising Out of PS. Case No.-91 Year-2024 Thana- MALI District- Aurangabad

- 1. Sundar Ram Son of Late Sita Ram Resident of village - Banarasi Bigha, P.S.- Mali, District - Aurangabad (Bihar)
- 2. Mithilesh Ram @ Mithlesh Ram Son of Late Sita Ram Resident of village - Banarasi Bigha, P.S.- Mali, District - Aurangabad (Bihar)
- 3. Krishna Ram @ Krishna Kumar Son of Sundar Ram Resident of village - Banarasi Bigha, P.S.- Mali, District - Aurangabad (Bihar)
- 4. Shankar Ram @ Shankar Kumar Son of Sundar Ram Resident of village - Banarasi Bigha, P.S.- Mali, District - Aurangabad (Bihar)
- 5. Shrawan Ram @ Shrawan Kumar Son of Sundar Ram Resident of village - Banarasi Bigha, P.S.- Mali, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari, Advocate
For the State : Mrs. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2025 Heard Mrs. Leelawati Kumari, learned counsel for

the petitioners and Mrs. Gulnar Begum, learned APP for the

State.

2. After some arguments, learned counsel for the

petitioners submits that during the pendency of the petition,

petitioner nos. 1 and 3, namely, Sundar Ram and Krishna Ram

@ Krishna Kumar have been arrested and as such he seeks



permission to withdraw the application with respect to petitioner nos. 1 and 3, namely, Sundar Ram and Krishna Ram @ Krishna Kumar as having become infructuous.

3. Permission is accorded.

4. The bail application with respect to petitioner nos. 1 and 3, namely, Sundar Ram and Krishna Ram @ Krishna Kumar is dismissed as withdrawn as having become infructuous.

5. The petitioners (except petitioner nos. 1 and 3) are apprehending their arrest in connection with Mali P.S. Case No. 91 of 2024, dated 19.05.2024 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 448, 307, 504 and 506 of the Indian Penal Code and Sections 3, 4 of the Prevention of Witch Practices Act, 1999.

6. Allegation against the petitioners (except petitioner nos. 1 and 3) is that they along with other co-accused persons have assaulted the informant with lathi, iron rod, khanti and garasa as a result of which he sustained head injury.

7. Learned counsel for the petitioners (except petitioner nos. 1 and 3) submits that the petitioners (except petitioner nos. 1 and 3) have clean antecedents and they have been falsely implicated in the present case. There is case and



counter case between the parties. Although the petitioners are named in the F.I.R. but from a bare perusal of the F.I.R. it appears that there is specific allegation of assault is attributed against co-accused persons, namely, Vishwanath Ram and Ramji Ram and there is allegation against the petitioners, namely, Shankar Ram @ Shankar Kumar and Krishna Ram @ Krishna Kumar that they have assaulted to the informant and it appears that there is no specific allegation of assault attributed against the petitioner no. 4 Shankar Ram and there is no specific allegation of any assault or overt act attributed against petitioner nos. 2 and 5, namely, Mithilesh Ram @ Mithlesh Ram and Shrawan Ram @ Shrawan Kumar.

8. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners (except petitioner nos. 1 and 3).

9. Considering the aforesaid facts and the fact that the petitioners (except petitioner nos. 1 and 3) having clean antecedent and there is case and counter case between the parties and the specific allegation of assault attributed against co-accused persons, let the petitioners (except petitioner nos. 1 and 3), above named, in the event of their arrest or surrender before the court below within a period of thirty days from the



date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Aurangabad in connection with Mali P.S. Case No. 91 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) petitioners (except petitioner nos. 1 and 3) shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners (except petitioner nos. 1 and 3) tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners (except petitioner nos. 1 and 3) and in case at any stage, it is found that the petitioners (except petitioner nos. 1 and 3) have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners (except petitioner



nos. 1 and 3). 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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