

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26308 of 2025

Arising Out of PS. Case No.-82 Year-2013 Thana- PATAHI District- East Champaran

1. Lal Babu Ram, aged about 55 years, Gender- Male, son of Late Mukhlal Ram @ Sukhlal Ram,
 2. Chandra Kishore Rai @ Chandra Kishore Yadav, aged about 38 years, Gender- Male, son of Yogendra Rai @ Yogendra Yadav,
 3. Mohan Ram, aged about 50 years, Gender- Male, son of Late Shankar Ram, All resident of Village- Champapur, P.S.- Patahi, District- East Champaran.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Madhurendra Kumar, Advocate
For the Opposite Party/s :	Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 05-05-2025 Learned counsel for the petitioners is permitted to make necessary correction in the statement made in paragraph no.09 of the petition. Let the same be done in course of the day.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners seek bail in connection with Trial No.1963 of 2025 arising out of Patahi PS Case No.82 of 2013 dated 25.07.2013, instituted for the offence punishable under Sections 302, 120-B/34 of the Indian Penal Code and Section 27 of the Arms Act and Section 17 of the CLA Act.

4. The allegation against the petitioners is that they



along with other accused named in the FIR and two unknown persons came at the door of the informant and pointed pistol on the husband of the informant who was sitting there from before. Then, husband of the informant started fleeing away and the accused persons also chased him and opened fire on him. The husband of the informant received 5/6 firearm injuries on his chest and leg and succumbed to the same.

5. Learned counsel for the petitioners submits that they are innocent and have been falsely implicated in this case. It is also submitted that during investigation the IO did not find the case true against the petitioners and, thus, final form was submitted on 27.02.2021 which was accepted by the learned CJM on 17.03.2021. The informant thereafter preferred revision against the said order vide Cr. Rev. No.192 of 2021 before the Sessions Judge, Motihari, who vide order dated 30.03.2022 remitted the matter to the Court concerned after setting aside the order of cognizance with a direction to pass afresh order in accordance with law. Thereafter, learned Judicial Magistrate, 1st Class, Motihari, by order dated 06.11.2023 took cognizance against the petitioners under Sections 302, 120-B/34 of the Indian Penal Code, Section 27 of the Arms and Section 17 of the CLA Act. Further submission is that the husband of the



informant was killed by the extremists organization but the petitioners have been implicated by the informant with malafide intention to settle the personal score. Lastly, it is submitted that the petitioners are in custody since 20.01.2025 having clean antecedents.

6. Learned APP has opposed the prayer for bail.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st Class, East Champaran at Motihari, in Trial No.1963 of 2025 arising out of Patahi PS Case No.82 of 2013.

8. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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