

In the Court of Additional Sessions Judge-V, Madhubani

Anticipatory Bail Petition No.-2401/2022

Anil Ram aged about 35 years S/o Sugandra Ram.
R/o Village-Godhaul, P.S.-Bisfi, District-Madhubani.

.....Petitioner

Versus

1. State of Bihar through Additional Public Prosecutor.

.....Opposite Party

Anticipatory Bail Petition Under Section 438 Cr.P.C.

For the petitioner/s : Shri Harendra Kumar, Advocate
For the O.P. State : Shri Rama Nand Kumar, APP

O R D E R

Dated: 20.02.2023

This anticipatory bail petition filed on 26.11.2022 under section 438 Cr.P.C. on behalf of above named petitioner **Anil Ram** who apprehend his arrest in connection with **Bisfi PS Case No.109/2017, GR Case No.465/2017** for the **offence under section 147, 148, 149, 341, 323, 324, 307, 504, 506 of the IPC** which is pending in the court of ACJM, Benipatti is being pressed and heard.

The prosecution case as stated in the fardbyan of Raj Kishore Yadav in brief is that on 15.05.2017 at about 07:00 PM, he was coming back to his home from cattle shed. As soon as he reached near school then Bhogendra Ram, Ashok Ram, Khobhari Ram, Nagendra Ram and Anil Ram who were already there and were armed stopped him. Bhogendra Ram asked him as to why he broke the electric wire and to this the informant replied that he has not broken. On this, Ashok Ram ordered to kill him and then Bhogendra Ram assaulted him with farsa on his head causing bleeding from his head. In between this Ashok Ram assaulted him with rod on his back and took away 5000/- rupees from his pocket. Khobhari Ram and Nagendra Ram started assaulting him with fists and slaps. Anil Ram and Khobhari Ram snatched gold chain from his neck. On making hue and cry by the informant nearby people rushed and seeing them all the accused fled away while threatening that if he lodges any case his entire family will be finished.

Learned counsel for the accused petitioner submits that petitioner is quite innocent and has not committed any offence whatsoever and he has no criminal antecedent. No occurrence as alleged by the prosecution has taken place and the petitioner has been implicated in this case falsely due to dirty village party politics and enmity. The prosecution story absurd, improbable and concocted. All the section

are bailable except 307 and 379 IPC which have been added to make the case serious and non-bailable. No case u/s 307 IPC is made out against the petitioner by the perusal of the FIR. No stolen articles has been recovered from the conscious possession of the petitioner. Allegation against the petitioner is general, vague and omnibus. Accordingly, he prays to grant anticipatory bail to the accused petitioner.

Learned APP opposed the prayer of anticipatory bail.

Heard the argument and perused the record including case diary. Allegation against the petitioner is for having snatched golden chain from the neck of the informant. One co-accused Bhogendra Ram has been granted bail by the Hon'ble High Court, Patna vide Cri. Misc. No.14809 of 2021. Another co-accused Khobhari Ram and Nagendra Ram have also been granted anticipatory bail by the predecessor of this court. A medical board was constituted regarding the injury of Raj Kishore Yadav the informant of this case. The finding shows a thin linear on the left side of the frontal parietal area of scalp about 2" in length. The opinion shows that Raj Kishore Yadav had sustained incised wound on the left fronto parietal area of scalp 2" in length caused by sharp cutting weapon and the wound was simple in nature. The CD doesn't reflect any criminal antecedent of the petitioner and in para 3 of the bail petition it has been submitted that the petitioner has no criminal antecedent.

Considering all these facts and circumstances including the nature of accusation against the petitioner, it is hereby ordered that in the event of surrender or arrest before the Court below/concerned police within 15 days from the date of receipt of a copy of this order, the petitioner shall be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below/police subject to the condition under the provision of section 438(2) Cr.P.C.

Dictated
Sd/-

**Additional Sessions Judge-V,
Madhubani**

Memo No...../2023, Dated:

Copy forwarded to the court of ACJM, Benipatti for information and needful.

**Additional Sessions Judge-V,
Madhubani**