

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.4943 of 2015**

Arising Out of PS.Case No. -311 Year- 2013 Thana -SARAI RANJAN District- SAMASTIPUR

1. Ram Babu Rai S/O Late Siya Rai Resident of vill-Jhakhra Tole  
Sitalpatti,P.S-Sarairanjan,Distt.-Samastipur

.... .... Petitioner

Versus

1. The State of Bihar

... .... Opposite Party

**Appearance :**

For the Petitioner : Mr. Jitendra Narain Sinha

For the Opposite Party : Mr. Sanjay Kumar Sharma(App)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3 14-05-2015

Petitioner is languishing in custody since  
12.11.2014 in a case registered for the offences punishable  
under Sections 302/34 of the Indian Penal Code.

It is alleged by the informant that on  
16.11.2013 the informant was sleeping with her husband in  
another room while her mother was sleeping in adjacent hut. At  
about 12:50 A.M in the night, co-accused Ram Babu rai,  
Mahesh Rai, Sajani Devi, Bipin Chaudhary, Sunil Jha, Prem  
Chaudhary and two unknown persons entered into the hut of  
the mother of the informant and abused her for not  
compromising the case lodged earlier and started dragging her  
outside the hut when co-accused Prem Kumar Chaudhary and  
Rohit Kumar Chaudhary by showing fire arm gave life  
threatening to the informant and her family members.  
Thereafter the informant searched her mother and found her  
dead body ultimately on the road. It is further alleged that

earlier also the petitioner and others threatened the mother of the informant to withdraw/compromise the earlier case.

It is submitted by learned senior counsel for the petitioner that accusation appears to be unreasonable because informant claimed that the accused persons including the petitioner came to the house and dragged the victim but she did not raise any alarm and subsequently she started locating her mother when informant found her dead body on the road which suggests that informant could not see the accused persons including the petitioner dragging the victim. This contention of learned senior counsel for the petitioner further gets corroborated from the postmortem report which does not reflect any dragging injury. Moreover no direct evidence has been collected during investigation and the investigation has already concluded.

Considering the fact that there is no eye witness to the actual occurrence and the accusation levelled in the First Information Report has not been corroborated by the medical opinion as recorded in the postmortem report, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Samastipur in connection with Sarairanjan P.S. Case No. 311 of 2013.

(Dinesh Kumar Singh, J)

Shageer/-

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