

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26449 of 2015

Arising out of PS.Case No. -40 Year- 2014 Thana -KHUDWAN District- AURANGABAD

Ramashish Prasad @ Ramashish Saw, S/o Faujdari Saw, resident of Village- Pheshra, P.S.- Pauthu, District- Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Krishna Pd. Singh, Sr. Advocate.

For the Opposite Party : Mr. Abhay Kumar Rai (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 23-09-2015 Heard learned senior counsel for the petitioner and learned counsel for the State

The petitioner is apprehending his arrest in connection with Khudwan P.S. Case No. 40 of 2014 for the offences instituted under Sections 302 and 201 of the IPC.

The prosecution story, in brief, is that the informant who is a Chaukidar has reported that one dead body was lying whose head has been cut in the paddy field of Arjun Singh one K.M. east of Panchar Village and he has reported that the said person has been murdered by some unknown persons. So, FIR is registered against unknown. During the course of investigation, witness Kausalya Devi in her statement recorded in paragraph no. 15 of the case diary stated that the dead body was found there is of the



dead body of her husband Mukesh Sao and she has stated that this Mukesh Sao used to go at the house of Ram Ekbal Sao as he has some illicit relation with the daughter of Ram Ekbal Sao and he made talk with the daughter of Ram Ekbal Sao by Saraswati Devi. She has accepted that the deceased had come to her house and he had gone but the dead body of the deceased has been found at the P.O. She has also alleged that murder of her husband has been committed by the petitioner and other accused persons in the said para. During the course of investigation, in paragraph no. 25, the confessional statement of Saraswati Devi has also been recorded who also accepted involvement of the petitioner alongwith accused Bineshwar Sao, Umesh Sao in the alleged murder of Mukesh Sao. On the confessional statement of Ram Ekbal Sao, his involvement and involvement of other accused persons for murder of the deceased and on the nishandehi of Ram Ekbal Sao, the head of the deceased was recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is not named in the F.I.R. and in course of investigation the name of the petitioner has come. From material that has come in the investigation, it appears that the deceased had illicit relation with the daughter of one Ram Ekbal Sao who is the

elder brother of this petitioner. It has further come that the petitioner and Ram Ekbal Sao are separate in mess and property and there is litigation also pending between both of them. The said Ram Ekbal Sao forcibly tried to implicate this petitioner by naming in his confessional statement except for this there is no other direct or indirect evidence to suggest the implication of this petitioner in the present case.

On behalf of the State it has been submitted that except for confessional statement of Ram Ekbal Sao there is no other material to suggest the implication of this petitioner.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Khudwan P.S. Case No. 40/2014 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Daudnagar, Aurangabad, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)