

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2953 of 2016

Arising Out of PS.Case No. -39 Year- 2010 Thana -PATAHI District-
EASTCHAMPARAN(MOTIHARI)

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Vijay Ram son of Ram Prasad Ram Son of Late Banshi Ram resident of
village - Sareya Gopal, Police Station - Patahi, District - East Champaran,
Motihari

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kr. Jha , APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 15-03-2016

Heard the learned counsel for the petitioner and the
learned A.P.P. representing the State.

The petitioner seeks bail in connection with Patahi
P.S. Case No. 39 of 2010 registered for the offences punishable
under Sections 363 and 364/34 of the Indian Penal Code.

Allegedly, Babita Devi, the daughter of the
informant was married with the petitioner and with an intention
to perform marriage again the petitioner and other F.I.R. named
accused persons killed Babita Devi and made the dead body
traceless or have hidden her at any place.

Submission is of false implication and that during
investigation, it has come that Babita Devi went with her



brother-in-law and is living at Firojabad and she was having illicit relationship with him vide paragraphs 30, 35 and 36 of the case diary and as such the petitioner who is suffering in custody since 05.08.2015, deserves sympathetic consideration, charge-sheet has been submitted and there is no chance of tampering with the prosecution evidence. Some other co-accused namely Ram Prasad Ram and Ushpati Devi have already been allowed bail.

Learned A.P.P. fairly submits that brother of the informant, namely, Satendra Satyarthi has not supported the prosecution version and has stated that Babita Devi went with Surendra Kumar, the other son-in-law of the informant and is living at Firojabad vide paragraph-35 of the case diary.

In the facts and circumstances stated above, considering that charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned IVth Judicial Magistrate, 1st Class, Sadar at Motihari, East Champaran in connection with Patahi P.S. Case No. 39 of 2010, subject to the conditions that one of the bailors must be a near

relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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