

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14992 of 2016

Arising Out of PS.Case No. -253 Year- 2015 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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1. RAM KUMAR RAY @ BHIKHRARI RAY S/o Late Bhola Roy
Resident of village - Jitwarpur Nizamat (Veertol), P.S. Samastipur
Muffasil, District - Samastipur Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

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

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

ORAL ORDER

3 17-05-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Samastipur
Muffasil P.S. Case No. 253 of 2015 registered for the offences
punishable under Sections 302, 201/34 of the Indian Penal Code.

Allegedly, for taking share in the consideration money
altercation was going on between the petitioner and deceased and
on 19-20.08.2015 in the night the petitioner along with unknown
took away the deceased for making account but the deceased did
not return and his dead body has been found near the railway
track. It is alleged that the petitioner and others pushed Umesh Rai
on the track at the time of crossing the train and killed him.

Submission is of false implication and that during
investigation prosecution version as alleged has not been



corroborated, there is material contradiction in further statement of the informant and further independent witnesses Ram Prit Rai, Chandeshwar Prasad Yadav, Ram Prasad Rai and Vishwanath Rai vide paragraph 36 to 39 of the case diary have stated that the deceased was in habit to take drink and on the date of occurrence also in the evening he was taking drink and had gone to his in-laws house but he did not return and his dead body has been found kept between railway line and as such the petitioner is suffering in custody only on suspicion deserves sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP opposes the prayer of bail by submitting that the petitioner is named in the FIR.

In the facts and circumstances stated above, 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 S.D.J.M., Samastipur in connection with Samastipur (M) P.S. Case No. 253 of 2015, 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.

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(Jitendra Mohan Sharma, J)