

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47451 of 2015

Arising Out of PS.Case No. -44 Year- 2014 Thana -BOCHHA District- MUZAFFARPUR

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1. Ramanand Ram S/o late Bishun Ram
2. Santosh Ram S/o Ramanand Ram Both Resident of Villa- Bahlopur Ghat,
P.S. Bochahan District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-01-2016 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

Petitioners seek bail in connection with Bochahan P.S.
Case No. 44 of 2014 registered for the offences punishable under
Sections 302, 201 of the Indian Penal Code.

F.I.R. has been registered against un-known on the
basis of fardbeyan of Ramvinay Rai, brother of the deceased-Nand
Kishore Rai, with allegation that on 07.02.2014, after getting
information, he went near the bridge and found his brother
unconscious and then he was brought to S.K.M.C.H., Muzaffarpur
from where he was referred and then he was brought in Maa Janki
Nursing Home where during treatment he died and during

investigation after 7 days on the basis of information furnished by the mother of the informant, the informant in his further statement stated the names of the petitioners and others and that were taking liquor with the deceased.

Submission is of false implication and that there is no direct evidence against the petitioners and only on suspicion, the petitioners have been implicated alongwith other co-accused, the further statement of the informant and the statement of mother of the informant are not believable and similarly situated other co-accused have been allowed pre-arrest bail vide Cri. Misc. No. 50139 of 2015 by another co-ordinate Bench of this Court and, as such, the petitioners also deserve sympathetic consideration, who are in custody since 26.08.2015, as chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. is not in a position to distinguish the case of the petitioners from those co-accused who have been allowed pre-arrest bail.

In the facts and circumstances stated above, the petitioners, above named, are also directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the

Learned Judicial Magistrate, 1st Class, Muzaffarpur arising out of Bochahan P.S. Case No. 44 of 2014 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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