

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29273 of 2017

Arising Out of PS.Case No. -286 Year- 2016 Thana -KODHA District- KATIHAR

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1. Jyotish Ravidas @ Jyotish Kumar Ravidas S/o - Ramdeo Ravidas R/o
Rampur, P.S. - Korha, Distt - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Abhay Kumar Roy

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 06-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
18.02.2017 in connection with Korha P.S. Case No. 286 of 2016
for offences punishable under Sections 341, 323, 307, 302/34 of
the Indian Penal Code.

The prosecution case, as lodged by the mother of the
victim Sunil Kumar Ravidas (deceased), is that her son had
developed good friendship with the petitioner and the petitioner
had taken Rs. 20,000/- as loan by executing an agreement. When
the son of the informant asked for return of the amount, he was
taken to the State Bank of India branch but the petitioner did not



give him money instead on the pretext of celebrating and drinking, the petitioner along with one Mukesh Choudhary, his relative assaulted the son of the informant by means of knife on which he seriously injured and after 20 days he succumbed to the injuries. It is alleged that her deceased son came back at 2 O'clock in the night and narrated the entire story in injured condition.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and the date of occurrence has not been stated in the First Information Report, although it has been stated on 22.12.2016 in her re-statement and First Information Report has been lodged after a delay of seven days and no plausible explanation has been given for the said delay. He submits that none of the independent witnesses have deposed against the petitioner and although the deceased was alive for 20 days, his statement was not recorded by the police, which creates doubt on the prosecution story. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the death was caused by a penetrative



weapon, allegedly inflicted by the petitioner.

Considering the facts and circumstances and the materials on record, since the independent witnesses has not been examined and the deceased, who survived for 20 days but his statement was also not recorded by the police, which creates suspicion, let petitioner, above named, be enlarged 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 Chief Judicial Magistrate, Katihar, in connection with Korha P.S. Case No. 286 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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