

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.25448 of 2017**

Arising Out of PS.Case No. -166 Year- 2016 Thana -RAMGARH District- BHABHUA (KAIMUR)

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Ram Vilash Ram S/o Shiv Tahal Ram, Resident of Village-Ramgarh P.S.-  
Ramgarh, District-Kaimur (Bhabua).

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Yogendra Kumar, Advocate

For the Opposite Party : APP

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL ORDER

4      20-07-2017      Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 05.01.2017 in connection with Ramgarh P.S. Case No. 166 of 2016 for the alleged offences under Sections 302/34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated merely because he happens to be the paramour of the deceased lady. Immediately after the occurrence a U.D. case was instituted being Ramgarh P.S. U.D. Case No. 1 of 2015. The present FIR has been instituted against unknown persons by the I.O. of the said U.D. case after one and half year on mere suspicion with the allegation that the death was caused by pressing the neck of the deceased with soft cloth causing asphyxia.

4. Learned APP refers to para 8 and 9 of the case diary in



which the statement of the daughter and son of the deceased are recorded. While the daughter has stated that the petitioner had assaulted the deceased in the night before the alleged occurrence, the son has stated that his mother had complained of uneasiness upon which the petitioner was called and the petitioner had taken the deceased for medical treatment. Copy of the post mortem report does not disclose any external injury or mark rather the cause of death as shown is asphyxia.

5. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M. Ist, Bhabua, (Kaimur) in connection with Ramgarh P.S. Case No. 166 of 2016 on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in



Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

**(Vikash Jain, J)**

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