

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36396 of 2017

Arising Out of PS.Case No. -308 Year- 2011 Thana -SARAIYA District- MUZAFFARPUR

=====

Chhathu Ram @ Naresh Ram, son of Asharfi Ram, Resident of Village-
Chhitari, PS- Saraiya, District- Muzaffarpur (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Binod Kumar 2

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 09-10-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
29.05.2017 in connection with Saraiya P.S. Case No.308/2011
registered for the offence punishable under Sections 302, 308 and
120 (B)/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his father was a tempo driver and while returning home he
was seen in the company of co-accused named in the F.I.R. and
two unknown persons. His body was found in the ditch on the next
day near the Jhajha bridge.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and is not
named in the F.I.R. His name surfaced on the confessional



statement of co-accused Kishan Rai @ Munda which has no evidentiary value in the eye of law. He submits that named accused Krit Dayal Rai has already been granted privilege of bail vide order dated 22.09.2017 passed in Cr.Misc. No.41468 of 2017 and co-accused Kishun Rai @ Munda has already been granted privilege of bail by a coordinate Bench of this Court vide order dated 24.07.2012 passed in Cr.Misc.No.27687/12 itself. He further submits that charge sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail stating that the petitioner was also an accomplice with co-accused Kishun Rai @ Munda who had killed the informant's father and helped the co-accused Krit Dayal Rai in disposing of the dead body.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, West Muzaffarpur, in connection with, Saraiya P.S. Case No.308 of 2011 subject to the conditions 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 on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

AnilKrSinha/-

U		T	
---	--	---	--

