

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20361 of 2017

Arising Out of PS. Case No. -68 Year- 2014 Thana -KARJA District- MUZAFFARPUR

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Manoj Ram, Son of Vishwanath Ram, resident of Village- Chamarua, P.S.
Karja, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Abhay Kumar, Advocate

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 10-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 16.03.2017 in connection with Karja P.S. Case No. 68 of 2014 for the offences alleged under Sections 302 and 201/34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated and the thrust of accusation is against accused Mantosh Ram (Dever), Raj Kishore Ram (Bhainsur) and Raj Kumari Devi, wife of Raj Kishore Ram. The only accusation against the petitioner is that along with other persons, he helped in carrying away the dead body on a Tempo for disposal by throwing the dead body in the river. It is further stated that upon trial, the aforesaid Raj Kishore Ram (Bhainsur) has been acquitted by order dated 09.03.2017 in Sessions Trial No. 784 of 2016. He refers to paragraph 6 of the judgment in which cross-examination of the informant has been recorded to the effect that his sister died due to illness and on 15.12.2014 he made an application with affidavit before the court stating that at the instance of neighbours the case has been lodged where accused is not connected with the death of the deceased. The petitioner claims clean antecedents.



4. 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 Sri A.K. Tiwary, learned Judicial Magistrate, Ist Class (West), Muzaffarpur in connection with Karja P.S. Case No. 68 of 2014 with 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 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.

(iv) The petitioner shall cooperate 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.

(Vikash Jain, J)

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