

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51743 of 2018

Arising Out of PS.Case No. -35 Year- 2018 Thana -KOCHAS District- SASARAM (ROHTAS)

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Mahendra Ram, S/o Late Bhukan Ram @ Late Bhukhan Ram, R/o Vill.-
Ram Kekai, P.S.- Shivsagar, District- Rohtas.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rabindra Kumar, Advocate.

For the Opposite Party : Mr. Sadanand Paswan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-09-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
30.06.2018 in a case for the offence registered under Sections 302,
201 of the IPC and 3(2)(V) of SC/ST (Prevention of Atrocities)
Act.

The prosecution story, in brief, is that on 04.03.2018
the informant Lalan Ram filed a written report before the S.H.O.
Kochas P.S. to the effect that he is permanent resident of Kekai,
Rohtas and he is caste of Chamar. On 28.02.2018, his brother
Ramayan Prasad received a mobile call on his mobile from
unknown person. His brother told him that he was going to certain
place and would return till evening but his brother did not return



till 8.00 P.M. He and his family members became anxious and tried to search his brother as possible place but he did not found. On 03.03.2018, they received information that a body without head was in a canal in village-Dewariya. He alongwith his family members reached there and identified the dead body from the parts of the body that is dead body of his brother. It is further alleged that some unknown miscreant cuts the head of his brother and thrown into the canal to hide the evidence.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. In course of investigation, merely on the basis of suspicion, the petitioner has been implicated in the present case that he was seen in association of the deceased. Except for last seen, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no eye witness to the alleged occurrence nor there is circumstantial evidence to suggest the implication of the petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.



Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge SC/ST (P.O.A.) Act, Rohtas at Sasaram, in connection with Registered Case No. 62/2018 (Kochas P.S. Case No. 35/2018).

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(Sudhir Singh, J)

