

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38800 of 2018

Arising Out of PS.Case No. -66 Year- 2017 Thana -TARABARI District- ARRARIA

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1. Shrawan Ram @ Shrawan Kr. Ram, S/o Late Dinesh Ram, resident of
Village- Phulwari, Panchayat Jamua, P.S.- Tarawari, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Shankar Sah-Advocate

For the Opposite Party/s : Smt. Reena Sinha-A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

05 11-09-2018 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

On account of disappearance of son of the informant
aged about 18 months, this case has been instituted wherein a
doubt has been casted against the petitioner and others being
neighbour, had threatened at an earlier occasion to do away with
the life of the victim on account of dispute having in between the
parties.

From the case diary, it is evident that I.O. on getting
confidential information on account of apprehension of petitioner
along with Parmila Devi and Mitesh Ram by the villagers while
they were putting dead body of deceased in a pond, reached, taken
out the dead body, prepared inquest, took control of the petitioner



along with Parmila Devi and Mitesh Ram. During post mortem, which was conducted on 08.08.2017, neck, larynx and trachea were found congested with compound fractured of hyoid bone and in the opinion of the doctor, death was within 72 hours from the time of conduction of the post mortem due to asphyxia as a result of throttling. Paragraphs-24, 25, 26 along with other Paragraphs of the case diary suggest presence of witnesses, who have seen the petitioner along with two others engaged in putting the dead body in the pond.

Learned counsel for the petitioner while challenging the material having collected by the I.O. has submitted that all the materials whatsoever been collected by the I.O. during course of investigation, happen to be out of collusion with the prosecution and so, are unreliable. In order to justify his submission, learned counsel for the petitioner has submitted that when petitioner along with two others were apprehended just after putting the dead body in the pond, then in that circumstance, there would not have been presence of symptoms whatever been found by the doctor. Also submitted that the case appears to be improbable in the background of the fact that when witnesses were very much conscious in perceiving the activity of the petitioner along with others, then in that circumstance, petitioner along with others



would have been apprehended with the dead body instead of allowing them to put the body in the pond. That being so, the story whatever been narrated at their end is found duly influenced with callousness and that being so, petitioner is entitled for bail.

On the other hand, learned Additional Public Prosecutor opposed the prayer and submitted that there happens to be ample materials available on the record to justify apprehension of the petitioner.

In the facts and circumstances of the case, prayer for bail is rejected.

(Aditya Kumar Trivedi, J)

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