

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15401 of 2019

Arising Out of PS. Case No.-87 Year-2018 Thana- SULTANGANJ District- Patna

Tingwa Ram, Son of Raju Ram @ Raju Gope @ Raju, Resident of - Nurani
Bagh Colony, 5 B, P.S.- Alamganj, Distt – Patna. Petitioner/s
Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar
For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 09.10.2018 in a case registered for the offence punishable under Section 364 of the Indian Penal Code. Subsequently, Sections 302, 201 and 120B/34 of the IPC were also added.

The prosecution case as per the fardbeyan of Bhola Ram recorded by S.I. Rajesh Kumar on 18.04.2018 at 7.30 P.M. is to the effect that the elder brother of the informant, Bablu Ram left the house on 17.04.2018 at 10.30 P.M. for going to Maheshwari Plaza where he used to work as a Sweeper but he did not return till 12.00 P.M. on 18.04.2018 and search was made and on enquiring with the security guard of Maheshwari Plaza, it was found that the brother of the informant never came to the place for work but some people conveyed that a person with broom in his hand was assaulted by several people. It is



alleged that at earlier point of time, since Feku Ram, Poonam Devi, Sikandar Ram, Kundan Kumar, Raju Dome, Munna Dome and Dilip Ram had threatened the family of the informant, hence, the FIR is lodged against them. The petitioner was not named in the FIR but his name sprang up on the confession of co-accused Munna Dome and Dilip Kumar and other FIR named accused persons and on the basis of the same, the petitioner has been charge sheeted.

It is submitted by learned counsel for the petitioner that only on the basis of confession of co-accused and FIR named accused persons, the petitioner has been arrested and FIR named accused persons namely Fenku Ram, Dilip Ram, Raju Ram and similarly situated co-accused Md. Ekram have been granted bail by different Co-ordinate Benches of this Court vide order dated 4.10.2018, 20.12.2018 and 12.10.2018 Cr. Misc. Nos. 51040 of 2018, 76979 of 2018 and 62063 of 2018 respectively. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up on the confession of several co-accused persons.

Considering the fact that involvement of the petitioner based on the confession of the co-accused before police and



investigation has already been concluded, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Patna City, District - Patna in connection with Sultanganj P.S. Case No. 87 of 2018.

(Dinesh Kumar Singh, J)

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