

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14977 of 2019

Arising Out of PS. Case No.-80 Year-2018 Thana- PARIHAR District- Sitamarhi

LALAN RAM Son of Sri Ram Resident of Village- Jhitakahiya, P.S.-
Bathnaha, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh

For the Opposite Party/s : Mr.Kanhaiya Kishore (APP)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-03-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 29.9.2018 in a case registered for the offences punishable under Sections 302 and 201/34 of the I.P.C. and Section 27 of the Arms Act.

The prosecution case as per the Fardbeyan recorded by S.I. Sujit Kumar Choudhary, SHO, Parihar Police Station on 15.6.2018 at 3.20 P.M., is to the effect that on 14.6.2018 at 7.00 P.M., co-accused Jitendra Ram, Manoj Ram and the petitioner Lalan Ram came to the house of the informant and took the husband of the informant and thereafter he did not return. Next day, i.e., on 15.6.2018, the informant came to know through some villagers that her husband has been killed by causing fire arm injury. By the time the informant could reach to the police station, the dead body of her husband was taken to the



Sadar Hospital for postmortem, where the dead body was identified by the father-in-law of the informant, namely, Siya Ram Mahto. Hence, it is suspected that three persons who used to call the husband of the informant from before and took him one day ago, killed him.

It is submitted by learned counsel for the petitioner that the accusation of killing the husband of the informant has been made only due to the fact that he was lastly taken by the petitioner and two co-accused persons and there is no eye witness to the occurrence and the impugned order reflects that after perusal of the case diary, the learned Sessions Judge passed the order and all the witnesses whose statements have been recorded in paragraph nos. 6,13,14,47,48,64,65,66 and 88, only support the version of the informant, i.e., the victim was lastly seen with the petitioner and other co-accused persons. The impugned order, however, reflects that the autopsy report suggests the cause of death due to shock and haemorrhage, leading to cardiac failure due to sharp cutting injury. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that from the impugned it appears that it is a case of last seen but there is no eye witness account



of the occurrence.

Considering the fact that the accusation is based on circumstantial evidence of last seen, investigation being concluded, statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, coupled with the period in custody, let the petitioner above named 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 the learned CJM, Sitamarhi in connection with Parihar P.S. Case No.80 of 2018.

(Dinesh Kumar Singh, J)

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