

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41418 of 2019

Arising Out of PS. Case No.-620 Year-2018 Thana- BAGHA District- West Champaran

RATNESH BIN Son of Hari Bin Resident of Village - Juda, P.S.- Bagaha
(Bhairoganj), Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 01-10-2019 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Informant has alleged in her written complaint that on 17.12.2018 Rajan Bin s/o Hari Bin came to her house and took away her husband with him and thereafter the dead body of her husband was found at the door of Hari Bin on 18.12.2018. She has raised suspicion against the petitioner that he was also involved in murder of her husband.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case on suspicion as he is full brother of co-accused Rajan. Petitioner has been living separately from Rajan Bin since two years. It



has been further submitted that the version of the Informant that co-accused Rajan Bin took her husband has not been supported by any of the co-villager as no one saw co-accused Rajan Bin with the husband of the Informant. Similarly, situated co-accused person Hari Bin has been granted bail by a co-ordinate bench of this Court vide order dated 09.05.2019 passed in Criminal Miscellaneous No. 31026 of 2019. Petitioner has got no criminal antecedent and is in custody since 18.12.2018.

Learned counsel for the Informant has vehemently opposed the prayer for bail stating that it is not a fit case for grant of bail and there is direct allegation against the petitioner in para no. 17, 18 and 19 of the case diary and there has been recovery of arms from the house of petitioner and his family members.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Trial No. 3266 of 2019 arising out of Bagaha (Bhairoganj) P.S. Case No. 620 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court



concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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