

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 26949 of 2020

Arising Out of PS. Case No.-261 Year-2019 Thana- KOCHAS District- Rohtas

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1. SHARVAN RAM Son of Late Lal Mohra Ram Resident of Village- Gara, Police Station- Kochas, District- Rohtas at Sasaram.
 2. Tetari Devi W/o Sharvan Ram Resident of Village- Gara, Police Station- Kochas, District- Rohtas at Sasaram.
 3. Babul Ram Son of Sharvan Ram Resident of Village- Gara, Police Station- Kochas, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Vikram Deo Singh, Sada Nand Roy, Advocates
For the Opposite Party/s : Mr Kumar Uday Pratap, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 05-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioners.

Mr Kumar Uday Pratap, APP is appearing as it is submitted that the brief has been allotted to him by the Office of Advocate General.



Petitioners apprehend their arrest in connection with Kochas Police Station (for brevity *PS*) Case No 261 of 2019 dated 28.11.2019 instituted for the offence punishable under Sections 302, 201/34 of Indian Penal Code.

The prosecution case is that the informant's wife was being tortured and teased by co-accused Tuntun Ram @ Sadhu Ram, son of petitioners No 1 and 2 and brother of petitioner No 3. The First Information Report (for brevity, *FIR*) has been lodged after the informant learnt about the same when the dead body of his father has been recovered from a well. It is submitted that the *FIR* only casts a suspicion based on the past conduct of co-accused Tuntun Ram @ Sadhu Ram. Tuntun Ram @ Sadhu Ram, in his confession, has stated that he had killed the victim and the only allegation against the petitioners is that they have helped him in concealing the body. Submission is that other than suspicion and statement of co-accused, there is nothing to implicate the petitioners in the instant case. Merely, by virtue of their relationship, they have been roped in this case. Co-accused Tuntun Ram @ Sadhu Ram, against whom there is allegation of killing the victim, is already in custody. The petitioners bear no criminal antecedent.

Learned APP for the State has opposed the prayer for



anticipatory bail.

In the facts and circumstances of the case, prayer of petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate I, Rohtas at Sasaram in Kochas PS Case No 261 of 2019 dated 28.11.2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fails to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today



for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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