

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79004 of 2019

Arising Out of PS. Case No.-237 Year-2019 Thana- MAHUA District- Vaishali

RAJ KUMAR RAM Son of Mahendra Ram Resident of Village- Fathehpur
Chauthai, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar

For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 19-03-2020 Heard Mr. Harish Kumar, learned counsel for

the petitioner and Mr. Abhay Kumar, for the informant.

Mr. Md. Aslam Ansari, APP has also rendered his

assistance in this case.

The petitioner, who is in custody since
17.09.2019, seeks bail in connection with Mahua P. S.
Case No. 237 of 2019 dated 02.05.2019 instituted for
the offence under Sections 302 and 34 of the Indian
Penal Code and Sections 4 and 8 of the POCSO Act,
2012.

The informant is the father of the deceased
who has alleged that he learnt that the dead-body of his



daughter is lying in the house of one Ranjan Kumar Ram. The dead-body was recovered and sent for post-mortem examination. In the F.I.R., the informant has raised suspicion against three to four persons including the petitioner who is none else but the father of aforesaid Ranjan Kumar Ram and who resides in the same house.

Learned counsel for the petitioner has submitted that though the recovery of the dead-body is from the house of the petitioner in which his son also resides but three of the witnesses, whose statements have been recorded in paragraphs 8, 9 and 10 of the case-diary, have categorically stated that the accusation against the petitioner is incorrect. The son of the petitioner is a person of questionable antecedent who had come to the house along with a woman and thereafter both of them had consumed poison. The deceased died but the son of the petitioner somehow or the other survived. The son of the petitioner is also



stated to be married from before and has a child also.

Learned counsel for the informant, on the other hand, has submitted that such statements are by co-villagers who may have been trying to defend one of their co-villagers and therefore such statements have been made which ought not to be relied upon. He further submits that the father of Ranjan Kumar Ram is the main person as he is the head of the family and therefore if the dead-body has been recovered from his house, he cannot be given such benefit of doubt on the statement of three of his co-villagers.

Similar opposition has been sounded by the learned APP.

On perusal of the F.I.R. as also the investigation papers, it becomes clear that the suspicion of the informant regarding the participation of the petitioner is only an inference because the dead-body is said to have been recovered from the house which is occupied by the petitioner also. Nonetheless, there is a



categorical statement of local persons, who have attributed the aforesaid act to the son of the petitioner who does not have good reputation. The post-mortem report clearly indicates that there are no external injuries on the person of the deceased. This, therefore, presupposes that even if the petitioner was an occupant of the house, the deceased was not subjected to any physical torture. In that event, if the death is because of consumption of any deleterious substance and there is no eye witness to the petitioner having played any significant part in the entire scheme of things, it would not be appropriate to allow the petitioner to remain in continued incarceration.

While saying so, this Court has also taken note of the fact that the son of the petitioner who had brought the deceased to his house, is in custody.

Regard being had to the aforesaid facts and there being no positive evidence against the petitioner of having participated in the killing of the deceased and



also his period of custody, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1st cum Special Judge, POCSO Act, Vaishali in connection with Mahua P. S. Case No. 237 of 2019.

(Ashutosh Kumar, J)

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