

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.79903 of 2019**

Arising Out of PS. Case No.-94 Year-2019 Thana- BIHIA District- Bhojpur

Shabha Ram @ Shabhapati Ram, Son of Late Sudeshi Ram, Resident of
Village-Umraonganj, P.O.-Umraonganj Karja, Police Station-Bihiya
(Bahoranpur), District-Bhojpur. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Gopal Govind Mishra, Advocate
For the Opposite Party/s : Mr.Anita Kumari Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 24-09-2020 Heard learned counsel for the petitioner and Ms. Anita
Kumari Singh, learned APP for the State

The petitioner in the present case is seeking regular bail in
connection with Bihiya (Bahoranpur) P.S. Case No. 94 of 2019
registered for the offence punishable under Sections 302/34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that according
to the informant who is the wife of the deceased Pramod Ram, she
received a call from the daughter of the petitioner with regard to the
ailment of her husband. When she reached at the place of this
petitioner, she found the dead body of her husband kept over a cot in
front of the house of the petitioner and all the family members were
absent after locking the door. So, she suspected the hands of the
petitioner, his son and daughter in the commission of this offence.

It is further submitted that in course of investigation no
eye-witness to the occurrence could be found. The doctor noticed



numerous nail injuries over the face and neck and in likewise manner bruises over face. The cause of death has been shown as asphyxia leading to cardiopulmonary arrest due to veins congestion. It has further come by way of hearsay statement of the witnesses in course of investigation that the deceased was a dancer in an orchestra party of this petitioner and he was carrying relationship with one the daughters of this petitioner and in the said background he was more interested in staying at the house of the petitioner even though he was married.

Learned counsel has placed before this Court a copy of the order dated 22.06.2020 passed by learned Co-ordinate Bench of this Court in Cr. Misc. No. 76036 of 2019 (Rohit Ram vs. State of Bihar) and submits that the case of this petitioner is similarly situated to that of Rohit Ram who is the son of this petitioner and against whom also a similar suspicion was raised.

Learned APP for the State is present and has submitted that the case seems to be based on suspicion.

Having regard to the facts and circumstances of the case and the materials on the record, there being no eye-witness to the alleged occurrence, in the nature of this submissions noted hereinabove and the fact that the co-accused similarly situated had been granted bail by a learned Co-ordinate Bench of this Court and the petitioner is in custody in connection with this case since 22.08.2019, he has otherwise no criminal antecedent and the report



received from the learned court below shows that till date no prosecution witness has been examined, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Bihiya (Bahoranpur) P.S. Case No. 94 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

