

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83728 of 2019

Arising Out of PS. Case No.-190 Year-2019 Thana- HATHAURI District- Muzaffarpur

Ram Binod Rai Son of Bhola Rai, Resident of Village-Bhushahi, P.S.-
Bauchahan, District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Advocate
		Mr.Pravin Kumar, Advocate
		Mr.Arya Achint, Advocate
For the Opposite Party/s :		Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-01-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Hathaudi P.S. Case No. 190 of 2019 registered for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story the grandson of the informant aged about 19 years had been taken away by co-accused Ram Jatan Rai, Ramesh Rai @ Dholan and four others whom the informant could not identify. Later on he alleged that he came to know that his grandson has been taken away by the six named accused persons including this petitioner with intention to marry him. It



is alleged that when the informant went to the house of the co-accused Ram Jatan Rai in Village Rosi and enquired about his grandson, Ram Jatan Rai informed that he would marry the grandson of the informant with his daughter and if he would not agree to the same then his grandson would be killed. Thereafter it is alleged that on protest by the informant side, the informant side were abused and accused persons wanted to tie them on which the informant side fled away.

Learned counsel submits that the present FIR has been lodged after recovery of the dead body of the grandson of the informant on 10.10.2019. The FIR does not disclose when the grandson of the informant was taken away by the accused persons, learned counsel submits that so far as this petitioner is concerned nobody had seen him either in the village of the informant or with the grandson of the informant at any stage.

Earlier this Court had called for the case diary in this case, learned counsel has referred to Paragraph '35', '44' and '45' of the said case diary and attention of this Court has been drawn towards the statement recorded therein which say that on the alleged date of occurrence the victim boy had come back after immersion of the idol of Goddess Durga he was sitting at his door when a young man who has not been identified had



come to his door and with him the grandson of the informant had walked down and thereafter he did not return.

Learned APP for the State after going through the case diary particularly the aforesaid paragraphs submits that in Paragraph '35' refers towards a young man whose identity has not been disclosed with whom grandson of the informant had walked down and thereafter he did not return.

Learned APP has on query further informed that this case diary at least there is no material to show that the deceased grandson of the informant was ever seen with this petitioner at any stage.

In the given facts and circumstances of the case, considering the materials present in the case diary which have been referred hereinabove and there being no material saying that the deceased grandson of the informant was ever seen with this petitioner, there being no submission that the release of the petitioner at this stage is in any way going to influence the course of trial and result in tempering with the evidence, let the petitioner above named be released on bail in connection with Hathaudi P.S. Case No. 190 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class,



Muzaffarpur (East), subject to the condition as laid down under
Section 437 (3) 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, of
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.

(Rajeev Ranjan Prasad, J)

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