

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13208 of 2021

Arising Out of PS. Case No.-176 Year-2020 Thana- BHAGWANPUR District- Begusarai

RAM SEWAK RAI @ RAM SEVAK RAI @ RAM SEVAK RAY Son of
Rameshrai Rai @ Rameshrai Ray Resident of Village- Narharipur, P.S.-
Bhagwanpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-07-2021 In view of sudden resurgence of COVID-19 infection
there is limited functioning of the High Court and therefore the
matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned
APP for the State.

This Court would expect that the petitioner's Counsel
would honour his undertaking in the instant proceedings regarding
supply of requisite court fee etc. within two weeks from the date
he is called upon to do so by the office.

Petitioner seeks bail in Bhagwanpur PS Case No. 176 of
2020, registered under Sections 302, 201, 34 of the Indian Penal
Code.

The prosecution case is that petitioner along with co-
accused persons had taken the son of the informant in the night.



Next day morning around 10 A.M. his dead body has been recovered. Informant has named the petitioner based on some land dispute subsisting since before and stated that 10-15 days earlier this petitioner had set ablaze his own house for implicating son of the informant.

Learned counsel for the petitioner submits that other than suspicion there is no basis for petitioner's implication. The implication is based on extraneous consideration arising out of subsisting dispute between the parties. There is no eye-witness to the occurrence and there is no allegation that the informant's son was forcibly taken away by the petitioner and other co-accused persons. Petitioner has also no criminal antecedent. He is in custody since 18.08.2020.

Learned APP has opposed the prayer for bail.

Referring to the order of rejection by the learned Sessions Judge, Begusarai, it is submitted that the informant has supported the case in her re-statement and some witnesses have stated about involvement of the petitioner.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief



Judicial Magistrate, Begusarai in Bhagwanpur PS Case No. 176 of 2020, subject to the following conditions:-

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

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

(Madhuresh Prasad, J)

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