

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 14717 of 2021

Arising Out of PS. Case No.-317 Year-2020 Thana- KESARIA District- East Champaran

Jagarnath Ram, Son of Ramedeo Ram, Resident of Village - Dilawarpur, P.S.-
Keshariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Jitendra Kumar, Advocate
For the s t a t e	:	Mr. Upendra Kumar, APP
For the Informant	:	Ms. Rashmi Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-07-2021 The matter has been taken up today for
consideration through video conferencing.

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

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

The petitioner seeks bail in connection with
Kesariya P.S. Case No.317 of 2020 registered for the offence
punishable under Sections 147, 148, 149, 341, 342, 302 of the
Indian Penal Code.

Informant's brother had not returned home,



whereafter search was being made by *Bhabhi* of the informant as well as the informant. Informant has alleged that he has seen several persons variously armed beating his brother to death. Together he has named 14 persons, including the petitioner and 25-30 unknown persons.

Counsel for the petitioner submits that there is no specific allegation against the petitioner and the petitioner has been implicated on extraneous considerations. He is 40% physically disabled person and is in custody since 09.11.2020. Falsity of the allegation is evident from the fact that the FIR has been lodged two days after the alleged occurrence. He submits that the deceased had criminal antecedents. The petitioner is stated to be having no criminal antecedents. Similarly situated co-accused Guddu Sah as the petitioner has been granted bail in Cr.Misc. No.41152 of 2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of the court of learned Chief Judicial Magistrate,
East Champaran at Motihari, in connection with Kesariya P.S.
Case No.317 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.

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

(Madhuresh Prasad, J)

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