

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21139 of 2021**

Arising Out of PS. Case No.-64 Year-2014 Thana- BARGAINIA District- Sitamarhi

RAM NAND RAM, S/o Late Kishun Ram, R/o Village- Pachtaki Ram, P.S.-
Bairgeniya, District- Sitamarhi. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Dinesh Jha, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

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

2 13-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Lakshmi Kant Sharma, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Bairgenia P.S. Case No. 64 of 2014 registered
for the offence punishable under Section 302, 201/34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that on
perusal of the First Information Report itself it would appear
that the marriage between the brother of this petitioner and the
deceased had taken place about eight years ago and they had a
son aged about 7 years. In the whole F.I.R. there is specific
allegation only against the husband of the deceased. Only in the

later part the name of all the family members were mentioned with sole intention to harass them.

Learned counsel further submits that this petitioner is the younger brother of the husband of the deceased and he is living separately with his family at Delhi. It is further submitted that the husband of the deceased has already been enlarged on bail by a learned coordinate Bench of this Court vide order dated 15.07.2019 passed in Cr. Misc. No. 43382 of 2019.

Mr. Lakshmi Kant Sharma, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but considering the nature of the case and the submission being that of involvement of the petitioner is only because he happened to be the younger brother of the husband of the deceased even though he is living separately with his family, the specific allegation is against the husband who has already been granted bail, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bairgenia P.S. Case No. 64 of 2014, 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(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'.