

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25349 of 2021

Arising Out of PS. Case No.-197 Year-2020 Thana- MADHUBAN District- East Champaran

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RUPLAL PRASAD S/O BRAHMDEO PRASAD RESIDENT OF VILLAGE
MATHIA, P.S-PAKARIDAYAL, DISTRICT-EAST CHAMPARAN.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

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Appearance :

For the Petitioner	:	Mr. Umesh Chandra Verma, Advocate.
For the State	:	Mr. Anil Kumar, A.P.P.
For the Informant	:	Mr. Anil Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 20-12-2021 The applicant/accused in Crime No.197 of 2020 registered with Police Station-Madhuban for the offence punishable under Section 302 of the Indian Penal Code, by this application is seeking his release on bail after filing of the charge-sheet.

Heard learned counsel appearing for the applicant/accused. He submitted that there is not a single eye witness to the incident alleged by the prosecution. He further argued that nothing is seized from the applicant. There is no iota of evidence to connect the applicant with the crime in question. It is further argued that the applicant is undergoing pretrial detention from 26.08.2020.

Learned Prosecutor relying on the counter affidavit filed



by the SDPO opposed the application by contending that the offence is serious. However, the learned Prosecutor has fairly stated that there is no eye witness to the incident nor from the case diary it is seen that anything is recovered from the applicant.

Learned counsel appearing for the first informant opposed the application by contending that the applicant is named in the F.I.R.

I have considered the submissions so advanced and also perused the F.I.R. as well as the counter affidavit and the case diary.

Ramkaran Prasad is the deceased who is alleged to be shot dead by the present applicant at the “Venue of Jaimala” in the marriage ceremony. The first informant Ravindra Prasad who is the brother of the deceased had reported that the present applicant took his brother Ramkaran Prasad behind the stage and killed him by firing a bullet. The first informant is not claiming to have seen the incident of firing of bullet. The Investigating Officer has recorded the statements of some witnesses who were participants of the Jaimala ceremony. Nobody had claimed to have seen the actual occurrence. Firearm is not recovered during the course of investigation.



Considering this nature of evidence against the applicant as well as the fact that charge-sheet has been filed, no further pretrial detention of the applicant is warranted. Therefore, the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.197 of 2020 registered with Police Station-Madhuban for the offence punishable under Section 302 of the Indian Penal Code, be released on bail on executing P.R. bond of Rs.20000/-(Rupees Twenty Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted



to the applicant in the instant case.

The applicant to remove all office objections forthwith
and the Registry to issue the certified copy of this order only
after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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