

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33506 of 2021

Arising Out of PS. Case No.-101 Year-2015 Thana- MOKAMAH District- Patna

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Bhuttu Ram @ Shaymadev Ram Son of Late Saryug Ram Resident of
Village- Barahpur, P.S.- Mokama, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 04-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Mokama P.S. Case No. 101 of 2015, registered for the offence under Sections 302, 201/34 of the Indian Penal Code.

The prosecution case, in brief as contained in fardbeyan of the informant Tetar Ram, is to the effect that four FIR named accused persons including this petitioner committed the murder of his son by sprinkling acid on his body and cutting his leg.

It is submitted on behalf of petitioner that petitioner is simply a victim of false implication in this case due to village politics. From perusal of the FIR, it is apparent that the occurrence is said to have taken place on 12.06.2015, but the



present FIR has been lodged on 14.06.2015. Informant is not the eye-witness of the occurrence and petitioner has been made accused in this case only on the basis of suspicion. During course of investigation, one dead-body was recovered near the bank of Ganges on 14.06.2015 and the informant claimed the dead-body of his son and thereafter, post-mortem was conducted and it revealed that the dead-body is of a female aged about 16-20 years, which itself shows the falsity of the case. It is further submitted that FIR was lodged after recovery of the dead-body and for this, one other case i.e. Mokama P.S. Case No. 102 of 2015 was also lodged. Save and except suspicion, there is no substantive evidence against the petitioner to show his complicity in the aforesaid crime. It is also submitted that two co-accused have already been granted anticipatory bail by this Court, vide order dated 16.02.2017 passed in Cr.Misc. No. 43469 of 2016 (Annexure-1). Petitioner is in custody since 28.01.2021.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned A.C.J.M. II, Barh, District - Patna in connection with Mokama P.S. Case No. 101 of 2015, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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