

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30469 of 2020

Arising Out of PS. Case No.-85 Year-2020 Thana- BARSOI District- Katihar

Md. Ramjan @ Ramjania, Son of Late Mahimuddin, Resident of Village -
Chaundi, Ward No. 4, P.S.- Barsoi, District - Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rohit Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-01-2021 Heard learned counsel for the petitioner and Mr.
Ganesh Prasad Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Barsoi P.S. Case No. 85 of 2020 registered for
the offence under Sections 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the First Information Report on 26.05.2020 at about 8.00 A.M.
when the informant had gone to clean his field, he got
information at about 10.00 A.M. that there had been a scuffle
between his father and this petitioner and this petitioner has
killed his father. When the informant reached at the alleged
place he found that his father was lying dead in the field and he
was told by the persons who had assembled there that the calf/
buffalo of this petitioner had entered in the field of the



informant, his father had taken that calf/buffalo outside, after the said scuffle took place.

Learned counsel for the petitioner submits that it is an out and out a case of false implication due to village politics and in fact there is no eye witness of the alleged occurrence. It is his submission that in the post-mortem report the Doctors have not found any external injury on the body of the deceased, no single sign of assault or bruises over the body of the deceased has been noticed. The Doctors have found the cause of death is due to neurogenic shock as a result of internal haemorrhagic into brain. It is his submission that neurogenic shock is a distributive type of shock resulting in low blood pressure occasionally with heart break which is attributed to the destruction of the system in the human body.

Learned counsel submits that the fact that not a single bruises was found on the body of the deceased falsifies the allegation that there was any scuffle and that the father of the informant was assaulted in any manner whatsoever.

Learned counsel further points out that in the case diary no witness has come forward to say that he had seen the alleged occurrence. All the witnesses about whom the learned Sessions Judge has noticed in the impugned order are hearsay



and they are co-villagers who never claimed to have seen the alleged occurrence.

Mr. Ganesh Prasad Singh, learned A.P.P. for the State has gone through the case diary. Learned A.P.P. submits that although in some of the paragraphs the co-villagers have supported the prosecution case but they are not eye witness to the alleged occurrence. Learned A.P.P. submits that in course of investigation the Investigating Officer has not found any eye witness to the case.

Having regard to the facts and circumstances of the case, wherein this Court has noticed that there is no eye witness to the alleged occurrence though the occurrence is said to have taken place in the morning hours at about 10.00 A.M. that too during summer days, the post-mortem report is not showing any external injury of any kind on the body of the deceased and the cause of death is neurogenic shock. The reason for neurogenic shock is not required to be gone into at this stage, the petitioner has remained in jail since 27.05.2020, investigation against him is complete, the trial is not likely to be concluded in near future and it is not the submission of the State that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, the petitioner has



otherwise no criminal antecedent, let the petitioner above named be released on bail on furnishing of 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, Katihar in connection with Barsoi P.S. Case No. 85 of 2020, 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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

