

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31794 of 2020

Arising Out of PS Case No.-85 Year-2017 Thana- SRINAGAR District- West Champaran

Ramdeo Rao @ Ramdev Singh, aged about 75 years, Male, Son of Late Maina Rao, Resident of Village-Jagdishpur, Paterwa, P.S.-Srinagar Pujaha, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 18-01-2021

Heard Mr. Bimlesh Kumar Pandey, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. The petitioner is in custody in connection with Srinagar Pujaha PS Case No. 85 of 2017 dated 10.06.2017, instituted under Sections 302/34 of the Indian Penal Code and Section 27 of The Arms Act, 1959.

3. This is the second attempt for bail by the petitioner as earlier such prayer was rejected, by order dated 20.08.2018 by Hon’ble Mr. Justice Rakesh Kumar, as he then was, in Cr. Misc.



No. 49191 of 2018 and thereafter again by the same Bench on 03.07.2019 in Cr. Misc. No. 26944 of 2019.

4. The allegation against the petitioner is that he was the order giver in an incident in which one person was shot dead and one person was injured.

5. Learned counsel for the petitioner submitted that the petitioner is an old man aged about 78 years and is in custody since 22.05.2018. It was submitted that though the trial has begun but only one witness had been examined when supplementary affidavit was filed in which the deposition of PW 1, who is also the person who was injured, has been brought on record. Thus, learned counsel submitted that the best person to be believed is PW 1, who was injured and he has stated that the petitioner was not present at the place of occurrence and further that in the commotion there was stampede and he did not know who shot him from behind. Learned counsel submitted that though there are two other cases against the petitioner, but those are of the years 2005 and 2006.

6. Learned APP submitted that the petitioner was the person who has ordered to fire resulting in the death of one person and injury to another.



7. Earlier, a report was called from the Court below with regard to the stage of the case. The same has been received in which it has been stated that two witnesses have been examined but due to pandemic, the trial has not proceeded thereafter. Learned counsel for the petitioner has been stated that there are eleven prosecution witnesses.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge 4th Bettiah, West Champaran in Srinagar Pujaha PS Case No. 85 of 2017, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the



Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. This order is subject to the main application supported by affidavit being *e* filed by learned counsel for the petitioner latest by day after tomorrow.

10. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

Anand Kr.

AFR/NAFR	
U	
T	

