

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1012 of 2021

Arising Out of PS. Case No.-207 Year-2020 Thana- DINARA District- Rohtas

RAM BACHAN PAL Son of Late Haridwar Pal Resident of Village and Post-Indour, P.S.- Dinara, Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhijeet Gautam, Advocate.
For the Opposite Party/s	:	Mr. Zainul Abedin, APP.
For the informant	:	Mr. Siddharth Harsh, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-04-2021 Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Dinara P.S. Case No. 207 of 2020, dated 23.07.2020 registered for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code.

As per the prosecution case which is based on fard byan of the informant is that informant strongly believes that his son



namely Jawahar Pal was killed and thrown into pond situated at village Indour by his (i) Samdhi Vijay Pal (ii) Ram Bachan Pal (iii) Daughter in law Nilu Devi (iv) Son's mother in law Babita, and reason behind the aforesaid murder is the argument between Daughter in laws' family members and informant due to sexual disorder of informant's son.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He is quite innocent and has been falsely implicated in this case. He submits that no incriminating article has been recovered from his conscious physical possession. He submits that the prosecution story is out and out false concocted and fabricated and there is no *iota* of truth at all in the facts and circumstances of the case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature.

Learned counsel for the petitioner further submits that as per the FIR, it appears that the deceased was suffering from sexual disorder, for the same a dispute was going between deceased and his wife, accordingly the deceased was under severe mental stress as of which he drown himself. He also submits that the informant registered a case under Section 302



of the IPC but the *post mortem* report as well as finding and observation of the doctor, who conducted the *post mortem* reveals that the deceased died due to asphyxia and drowning, meaning there by Section 302 of the IPC is not made out against the petitioner.

The petitioner has no criminal antecedent as mentioned in para 3 of the bail application and has been languishing in custody since 24.07.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, **after framing of charge** and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Dinara P.S. Case No. 207 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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