

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4485 of 2021

Arising Out of PS. Case No.-23 Year-2020 Thana- RAIYAM District- Darbhanga

RAM DEO SHARMA @RAMDEO SHARMA SON OF NARAYAN
SHARMA Resident of Village - Pholkahi, P.S.- Raiyam, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subhash Kumar Jha, Advocate
For the State	:	Mr Bharat Bhushan, APP
For the Informant	:	Mr. Baidya Nath Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 28-06-2021 Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State and learned counsel for the informant through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Raiyam P.S. Case no. 23 of 2020 registered under sections 302 and 34 of the Indian Penal Code.

As per allegation in the first information report, it is stated by the informant that his 13 year old son who had gone to attend to the call of nature disappeared and his dead body was discovered the next day.

It is submitted by learned counsel for the petitioner that the FIR was registered against unknown and suspicion was



raised against Durganath Jha and Monu Mishra. Admittedly there is no eye witness to the occurrence. The name of the petitioner transpired in course of investigation when 9 days after the occurrence it was stated by the spy that inquiry could be made from the petitioner. Thereafter, it is stated that the petitioner confessed his guilt. The alleged confessional statement has been made before the police and the same has no value. The petitioner is in custody since 2.10.2020. The investigation in the case has concluded and he has no criminal antecedent.

The application for bail is opposed by learned Additional Public Prosecutor for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner confessed his guilt but it was a result of his practice of witchcraft, that he gave a detailed narration about the brutal manner in which he had committed the murder.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, there being no eye witness to the occurrence and the petitioner having remained in custody for more than 8 months, the Court is inclined to enlarge the petitioner on bail. The



petitioner is directed to be enlarged on bail in connection with Raiyam P.S. Case no. 23 of 2020 on furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Darbhanga.

It is further directed that the petitioner shall cooperate in the trial. In case the learned trial court is of the opinion that the trial is being delayed due to non cooperation on part of the petitioner, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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