

IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6213 of 2021

Arising Out of PS. Case No.-268 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

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SURESH RAM S/o Shivdhani Ram R/o village- Mujan, P.S.- Mohania,
District- Kaimur (Bhabua)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate.
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 29-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ajay
Kumar Jha, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Mohania P.S. Case No. 268 of 2020 for

the offences registered under Section 365 and added under

Section 302, 201 and 34 of the IPC.

Learned counsel for the petitioner submits that as per

the prosecution story the son of the informant had gone to Patna

More like everyday on 1.9.2020 in the evening but he did not

return home and his mobile was also coming switched off. The

Informant raised suspicion against unknown.

Learned counsel for the petitioner submits that in course of investigation after about three days the dead body of the son of the informant was found on the bank of Kudra river. The inquest report shows that his neck was tied by a gamcha and his legs were tied by a rope. He was killed by throttling.

Learned counsel further submits that after the alleged occurrence the co-accused Amitabh Bachhan Bharti was called at the Police Station, he was investigated and thereafter he was left on PR. On 10.9.2020 the said co-accused Amitabh Bachhan Bharti made a confessional statement in police custody and in his confessional statement he named this petitioner along with four others as his associates. Thereafter, the petitioner was arrested and in police custody his confessional statement was also recorded.

Learned counsel submits that save and except the confessional statement of the co-accused and the petitioner there is no other material to connect the petitioner in the present case. It is further stated that many of the co-accused whose name were disclosed by said Amitabh Bachhan Bharti have been released on bail by learned coordinate Benches of this Court. One of the Cr. Misc is Cr. Misc No. 2353 of 2021.

Learned APP for the state has though opposed the prayer for bail of the petitioner but considering the facts and circumstances of the case wherein save and except the confessional statement extracted in police custody no other material has been brought to the notice of this Court, the co-accused have been granted bail by learned coordinate Benches of this Court and the petitioner is said to be in custody in connection with this case since 11.9.2020, he has otherwise no criminal antecedent, this Court directs release of the petitioner, above-named on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M. Kaimur at Bhabua in connection with Mohania P.S. Case No. 268 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.