

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7419 of 2021**

Arising Out of PS. Case No.-21 Year-2020 Thana- KAJRA District- Lakhisarai

JAYRAM RAM S/o Dorik Ram R/o Village- Manjhiyama, P.S.- Kajra,
District- Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Umesh Prasad, Advocate

For the Opposite Party/s : Mr Mohammad Sufyan, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **27-07-2021** This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The petitioner seeks bail in Kajra Police Station
(for brevity, *PS*) Case No 21 of 2020 instituted for the offence
punishable under Sections 302, 328/34 of Indian Penal Code.

The informant was residing at her Naihar and it is
her case that on 10.03.2020 at about 4 pm, the petitioner (uncle
of her son) has called her son (deceased) to his house. There is
allegation that the uncle of the deceased and his father have
been nurturing land dispute since long. The next day, son of the



informant has died giving rise to allegations that he has been poisoned on the previous day while he had gone for having a meal on the occasion of Holi.

Learned counsel for the petitioner submits that the story of poisoning is merely a suspicion cast by the informant. In the investigation, till date, there is no material to support the same. In spite of earlier orders passed by this Court, the viscera report has still not been received. From perusal of the post mortem report dated 11.03.2020, it is obvious that death of informant's son has taken place one day after he had gone to the petitioner's house for enjoying a feast. The First Information Report also reveals that liquor has been consumed on the fateful day. In the aforesaid circumstances, the allegation of poisoning by the petitioner and the entire family members appears to be far fetched and merely based on suspicion. The bona fides of the petitioner is obvious from the fact that he had surrendered on 04.09.2020. The parties are related to each other. It is further submitted that the petitioner bears clean past.

Learned APP has opposed the prayer for bail. It is submitted that the deceased had gone to the petitioner's house, one day prior to his death and, therefore, the petitioner could not be allowed the privilege of bail.



Considering the aforesaid, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, First Class, Luckeesarai in connection with Kajra PS Case No 21 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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