

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2702 of 2022

Arising Out of PS. Case No.-384 Year-2021 Thana- CHANPATIA District- West Champaran

Ritesh Ram @ Ritesh @ Motilal Ram @ Nitesh Kumar Ram @ Ritesh Kumar
Ram Son of Nagendra Ram Resident of Village - Durga Nagar, P.s.-
Chanpatiya (Kumarbagh O.P.), Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 21539 of 2022

Arising Out of PS. Case No.-384 Year-2021 Thana- CHANPATIA District- West Champaran

Samsundar Ram @ Shyam Sundar Ram son of nagendra ram resident of
village - durganagar, police station - chapatiya (kumarbag), district - west
champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 2702 of 2022)

For the Petitioner/s : Mr. Ravi Shankar Sahay, Sr. Advocate

: Mr. Arvind Kumar

For the State : Mr. Ram Priya Sharan Singh, APP

(In CRIMINAL MISCELLANEOUS No. 21539 of 2022)

For the Petitioner/s : Mr. Ravi Shankar Sahay, Sr. Advocate

: Mr. Arvind Kumar

For the State : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER



3 05-09-2022

Cr. Misc. No. 2702 of 2022

Heard learned senior counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Chanpatiya (Kumarbagh O.P.) P.S. Case No. 384 of 2021 registered for the offence under Sections 304(B), 201 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 08.08.2021.

The allegation against the petitioner is to cause death of the daughter of the informant, alongwith other co-accused persons/family members, for non-fulfillment of demand of one motorcycle as dowry.

Learned senior counsel appearing on behalf of the petitioner submitted that petitioner is the brother of husband of the deceased, who is living separately, much prior to this occurrence, as surfaced during the course of investigation. It is submitted that marriage was 10 years old, as surfaced during the course of investigation, as such, chargesheet has been submitted u/s 302 and 201 of the Indian Penal Code. It is further submitted



that informant is not the eye witness of the occurrence and several witnesses, as mentioned in paragraph nos. 50, 51 and 52 of the case diary, pointed out that death was due to cough and fever, where cremation was made under compulsion under pressure created by villagers, as death might be caused due to Covid-19. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that informant is not the eye witness of the occurrence.

In view of the facts and circumstances, as mentioned above, as petitioner is the brother of the husband of the deceased, living separately much prior to this occurrence, in the background of suspicious death coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chanpatiya (Kumarbagh O.P.) P.S. Case No. 384 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, West Champaran, Bettiah/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

Cr. Misc. No. 21539 of 2022

Heard learned senior counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Chanpatiya (Kumarbagh O.P.) P.S. Case No. 384 of 2021 registered for the offence under Sections 304(B), 201 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 02.09.2021.

The allegation against the petitioner is to cause death of the daughter of the informant, alongwith other co-accused persons/family members, for non-fulfillment of demand of one motorcycle as dowry.

Learned senior counsel appearing on behalf of the petitioner submitted that petitioner is the husband of the deceased. It is submitted that marriage was 10 years old, as surfaced during the course of investigation, as such, chargesheet



has been submitted u/s 302 and 201 of the Indian Penal Code. It is further submitted that informant is not the eye witness of the occurrence and several witnesses, as mentioned in paragraph nos. 50, 51 and 52 of the case diary, pointed out that death was due to cough and fever, where cremation was made under compulsion under pressure created by villagers, as death might be caused due to Covid-19. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that informant is not the eye witness of the occurrence.

In view of the facts and circumstances, as mentioned above, as informant is not the eye witness of the occurrence, where chargesheet has been submitted u/s 302 of the Indian Penal Code, in the background of suspicious death coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chanpatiya (Kumarbagh O.P.) P.S. Case No. 384 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

