

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3469 of 2022

Arising Out of PS. Case No.-203 Year-2020 Thana- DUMARIAGHAT District- East
Champaran

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Rama Sahani S/o- Late Channan Sahani Resident of Village- Banparuya, P.S.-
Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.G.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 01-11-2022 Heard learned counsel for the petitioner and learned

APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Dumariyaghat P.S. Case No. 203 of 2020
registered for the alleged offences under Sections 302, 120(B) and
201 of the Indian Penal Code.

As per prosecution case, the son of the informant had
gone to his matrimonial home and stayed there in the night. Next
day his dead body was found near a bridge in a watery field. The
informant showed his suspicion that the petitioner, who is father-
in-law of the deceased and other co-accused persons, acting under
a conspiracy, assaulted and strangled his son to death and threw

the dead body near the bridge.

Learned counsel for the petitioner submits that there is no eye witness to the alleged occurrence and the allegations are general and omnibus against the petitioner and other co-accused persons. There is no motive for the murder even during investigation none of the independent witnesses supported the prosecution case against the petitioner and others. The co-accused son of the petitioner has been granted bail by a Coordinate Bench vide order dated 29.11.2021 passed in Cr. Misc. No. 51402 of 2021. The case of the petitioner is similarly placed and he is in custody since 13.08.2021. Charge sheet has submitted.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the son of the informant was done to death under a conspiracy by the petitioner and other co-accused persons.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of substantive material to connect the petitioner with the offences as alleged and also considering grant of bail to similarly placed co-accused person and further considering the period of custody along with submission of charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail

bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, East Champaran, Motihari in connection with Dumariyaghat P.S. Case No. 203 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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