

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4022 of 2022

Arising Out of PS. Case No.-90 Year-2018 Thana- BARHIYA District- Lakhisarai

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Raja Ram Singh, Son Of Harish Chandra Singh, Resident of Village-
Barahiya, Ram Charan Tola, P.S.- Barahiya, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 17-08-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the father of the petitioner has died on 15.08.2022.

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 from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Barahiya P.S. Case No.90 of 2018, registered for the alleged offences under Sections 363 and 302 of the Indian Penal Code.

As per the prosecution case, the son of the informant went missing and later on his dead body was



recovered. During investigation, it transpired that the petitioner and other co-accused persons were involved in the murder of the son of the informant.

The learned counsel appearing on behalf of the petitioner submits that the FIR has been registered against unknown and only on the basis of suspicion, this petitioner has been named in this case as one of the accused persons. No one has seen the petitioner with the deceased and there is no material on record to connect the petitioner with the murder of the son of the informant. Even in the alleged confessional statement, no overt act has been attributed to this petitioner. The charge sheet has been submitted in this case and the petitioner is in custody since 21.10.2021 and is having clean antecedent.

Learned APP opposes the prayer for bail submitting that in paragraph 77 of the case diary, the co-accused has specifically named the petitioner who made plan with other co-accused persons for the murder of the son of the informant. The witnesses in paragraphs 101, 103 and 121 of the case diary have also supported the prosecution case regarding involvement of the petitioner in the aforesaid crime.

Perused the records.

Having regard to the facts and circumstances and considering the submissions made hereinabove and also taking



into account the fact that there is hardly any material available on record to connect the petitioner with the alleged crime of murder of the son of the informant and also considering the submission of charge sheet and the period of custody of the petitioner, who has got clean antecedent, he 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 Chief Judicial Magistrate, Lakhisarai, in connection with Barahiya P.S. Case No. 90 of 2018, 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 the 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.

V.K.Pandey/-

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(Arun Kumar Jha, J)

