

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4505 of 2022

Arising Out of PS. Case No.-54 Year-2021 Thana- GHOGHARDIHA District- Madhubani

Indrajeet Kumar Ram @ Indrajeet Kumar @ Suraj Kumar Ram @ Bhanjan,
S/o Bihari Ram, R/o Village- Gidha, P.S.- Ghoghardiha, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
		Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr. Aditya Narain Singh, A.G.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-11-2022 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 Ghoghardiha P.S. Case No. 54 of 2021 registered
for the alleged offences under Sections 302 and 34 of the Indian
Penal Code.

As per prosecution case, the son of the informant went
out in night after receiving a phone call on his mobile and next day
thereafter, his dead body was recovered. The informant named co-
accused Ankit Kumar Yadav along with his accomplices who
murdered his son. The name of the petitioner transpired as an
accused during investigation.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with the alleged occurrence. The petitioner is not named in the F.I.R. and nothing incriminating has been recovered from his person or possession. The co-accused Ankit Kumar Yadav was arrested by the police and he confessed before the police and made allegation against this petitioner for his involvement. Thereafter, another co-accused Rahul Kumar Ram recorded his confessional statement naming this petitioner. However, from the perusal of the confessional statements of the co-accused persons as well as this petitioner, it is very much apparent that the allegation of killing the son of the informant is against co-accused Ankit Kumar Yadav and this petitioner has got no role in it and no overt act has been attributed to him. Charge sheet has been submitted in this case and the petitioner is in custody since 05.04.2021 and he is having clean antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner's name came up in the confessional statement of co-accused Ankit Kumar Yadav who named the petitioner for being present at the place of occurrence along with other co-accused persons.

Perused the records.

Having regard to the facts and circumstances and considering the fact that the lack of material against this petitioner to

connect him with the offence as alleged and also considering his period of custody along with submission of charge sheet and clean antecedent of the petitioner, 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 Judicial Magistrate 1st Class, Jhanjharpur, District-Madhubani in connection with Ghoghardiha P.S. Case No. 54 of 2021, 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)

Gautam/daya

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