

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5524 of 2022

Arising Out of PS. Case No.-22 Year-2020 Thana- OBRA District- Aurangabad

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Ramdhyan Rajvanshi @ Ramdhyan Ram, Son of Late Rameshwar Rajvanshi
@ Ram Eshwar Ram, Resident of Village- Pakari, P.S.- Pheshar, District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhanu Pratap Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-06-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Bhanu Pratap Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Obra P.S. Case No. 22 of 2020 (S.T. No. 148 of
2020) for the offences punishable under Sections 302/201/34 of
the Indian Penal Code.

As per prosecution case, it is alleged that on
01.02.2020, the husband of the informant, namely, Radhey
Shyam Dueby, went to Punpun River for immersion of Idol of
Goddess Saraswati, but did not return till late night. It is further



alleged that in the next morning the dead body of her husband was found near the house of Nagendra Pandey and the informant asserted that her husband has been killed by some unknown persons.

It is submitted by the learned counsel appearing on behalf of the petitioner that the F.I.R. has been instituted against unknown persons. However, during the course of investigation it has come that after immersion of Idol of Goddess Saraswati, the deceased Radhy Shyam Dueby was seen with Dhananjay Sharma and this petitioner. So far Dhananjay Sharma is concerned, he has also been made accused in the present case and has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 38150 of 2021 vide order dated 14.12.2021, the copy of which has been annexed as Annexure-2 to this application. It is next submitted that the petitioner has no knowledge about the manner in which the husband of the informant has died, but it appears that the deceased was under some kind of intoxication and it was possible that he may have fallen down, leading to his death. However, no injury has been found over the body of the deceased. It is lastly submitted that this petitioner is in custody since 18.02.2021 having fair antecedent.



On the other hand, learned APP for the State opposes the bail application, however, he finds difficulty to confront the fact that another co-accused, having similar allegation, has been granted bail by a learned co-ordinate Bench of this Court.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that except the allegation that the petitioner was lastly seen with the deceased, there is no other material which suggests the complicity of the petitioner in the present crime and moreover the co-accused person, having similar allegation, has already been granted bail by a learned co-ordinate Bench of this Court and this petitioner is in custody since 18.02.2021 having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Aurangabad in connection with Obra P.S. Case No. 22 of 2020 (S.T. No. 148 of 2020) subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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