

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6958 of 2022

Arising Out of PS. Case No.-338 Year-2020 Thana- MADHEPURA District- Madhepura

BALRAM SWARNKAR SON OF LATE SIBAN SWARNKAR R/O
VILLAGE- BARAHI, WARD NO.6, P.S.- MADHEPURA, DISTRICT-
MADHEPURA.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Dr. Sanjay Kumar Singh, Advocate.
For the State : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 20-07-2022 This is an application for bail in Crime No.338 of 2020
(S.T. Case No.30 of 2021) registered with Police Station-
Madhepura for the offences punishable under Sections 302/34
of the Indian Penal Code.

Earlier bail application of the applicant was rejected with
a liberty to him to renew his prayer if the trial is not concluded
within a period of nine months. It is reported that despite lapse
of nine months, the trial has not been concluded and the case is
only committed to the court of sessions.

Heard the learned counsel for the applicant. He argued
that co-accused with similar accusation are granted bail vide
order dated 04.09.2021 by the coordinate Bench of this Court.
It is further argued that the post-mortem report show that there



were no external injuries on the body of the deceased.

The learned A.P.P. opposed the application.

It is case of the prosecution that the applicant along with the co-accused had committed murder of Dulari Devi, who happens to be mother of first informant Arun Sah.

The report of post-mortem examination of dead body of Dulari Devi shows that the dead body was not having any external injuries. The dead body was that of a thinly built old women and opinion as to cause of death was reserved by the Autopsy Surgeon.

The first informant is son of deceased Dulari Devi. He averred that because of dispute over the drainage water, the accused persons including the applicant started scuffle with the prosecuting party. Therefore, the first informant ran away and, subsequently, he found that his old mother Dulari Devi is killed by the applicant and his associates.

Prima facie, there is no evidence regarding homicidal death of Dulari Devi. The first informant is not an eye witness to the alleged incident. Applicant is behind bars from 18.06.2020.

Considering this nature of evidence against the applicant, I see no reason to refuse bail to him and, therefore, the



following orders:

- (i). The application is allowed.
- (ii). The applicant in Crime No.338 of 2020 (S.T. Case No.30 of 2021) registered with Police Station-Madhepura for the offences punishable under Sections 302/34 of the Indian Penal Code, be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) and on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

- (I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (II). The applicant should cooperate the trial in expeditious disposal of the trial against him.
- (III). The applicant should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.
- (IV). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the



State is at liberty to apply for cancellation of bail
granted to the applicant in the instant case.

The applicant to remove all office objections forthwith
and the Registry to issue the certified copy of this order only
after removal of office objections by the applicant.

(A. M. Badar, J)

P.S./-

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