

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13976 of 2022

Arising Out of PS. Case No.-219 Year-2017 Thana- ATHMALGOLA District- Patna

Ramjee Singh, Son of Late Suraj Singh Resident of Village - Rampur Dumra,
P.s.- Pachmahla (O.P. Maranchi), Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arun, Advocate
For the State	:	Ms. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 22-08-2022 Heard Mr. Arun, learned counsel appearing on behalf
of the petitioner and Ms. Asha Devi, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
S.Tr. No. 429 of 2021, arising out of Athmalgola P.S. Case No.
219 of 2017, for the offence punishable under Sections 302,
120B/34 of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution story in brief is that petitioner along
with other killed the husband of the informant, who was going
to appear as a witness in the murder case of his son in the Barh
Court.

Learned counsel appearing on behalf of the petitioner
submits that the no specific overt act has been alleged against



the petitioner. The informant has seen the occurrence and allegation of firing is against four other co-accused persons namely Santosh Kumar, Gaurav Kumar, Ranjit Kumar and Shubham Kumar. He further submits that similarly situated co-accused, who were also member of the mob have already been released on bail by a co-ordinate Bench of this Court. The petitioner is in custody since 23.01.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that petitioner is closely associated with the accused persons named in the F.I.R. and with common intention, they have committed murder of the husband of the informant as such the petitioner does not deserve to be released on bail.

Having heard the rival submission of the parties and considering the nature of allegation made against the petitioner and the materials collected in course of the investigation, it appears that though petitioner is named in the F.I.R. but no specific overt act has been made against the petitioner. The similarly situated co-accused persons, who were also the member of the mob have already been released on bail by co-ordinate Benches of this Court, no specific allegation of firing is against the petitioner. Prima facie the petitioner has made out a



case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District & Sessions Judge-IV, Barh, Patna in connection with S.Tr. No. 429 of 2021, arising out of Athmalgola P.S. Case No. 219 of 2017, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has



**been stated in paragraph No.3 of the bail application, this
order will automatically loose its force.**

(Purnendu Singh, J)

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