

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13816 of 2022

Arising Out of PS. Case No.-835 Year-2021 Thana- SASARAM NAGAR District- Rohtas

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RAMA SHANKAR KUMAR SON OF LATE RANJAN PRASAD
RESIDENT OF VILLAGE- KOTA, P.S. DARIGAON, DISTRICT- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udbhav, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sasaram
(Town) P.S. Case No. 835 of 2021 registered for the offence
under Sections 302 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 31.10.2021.

The allegation against the petitioner is to commit
murder of father of the informant along with other co-accused
persons by using fire arms.

Learned counsel appearing on behalf of the petitioner



submitted that the informant is not the eye-witness of the occurrence and entire allegation is based upon the suspicion in the background of previous land disputes. It has further been submitted that name of the petitioner surfaced in the present case on the basis of self confession and also on the basis of tower location of mobile, which is very much probable being by the resident of same locality. It has further been submitted that no fire arms, incriminating material including fire arms recovered from the conscious physical possession of the petitioner, in furtherance of the said confession, which may connect or incriminate the petitioner with the present case. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye-witness of the occurrence and it has also been submitted that name of the petitioner surfaced on the basis of mobile tower location, which was found near the place of occurrence.

Considering the facts and circumstances as mentioned



above, as informant is not the eye-witness of the occurrence and further nothing surfaced during course of the investigation, which may incriminate or connect the petitioner *prima-facie* with the present set of occurrence, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sasaram (Town) P.S. Case No. 835 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Rohtas at Sasaram/concerned court, subject to the following conditions:

“(i)Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Birendra Kumar, who is the brother-in-law (bahnoi) of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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