

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18098 of 2022

Arising Out of PS. Case No.-120 Year-2021 Thana- DEWARIA District- Muzaffarpur

JAGARNATH RAM @ JAGR NATH RAM S/o Late Bujhawan Ram R/o
village- Daudpur, P.S.- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devika Rani, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-10-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with
Sessions Trial NO. 38/2022 arising out of Deoriya P.S. Case No.
120 of 2021 under Sections 302/34 of the Indian Penal Code.

As per the FIR, the informant has alleged that her son-
in-law lived at her house and testified against Jagarnath Ram
who was FIR named accused in connection with Paroo P.S. Case
No. 290 of 2021 and due to which Jagarnath Ram and his friend
Mokhtar Rai were annoyed with him. Further allegation is that
on 07.08.2021 when his son-in-law did not return, he was
searched without success. On the next day, she came to know
from the villagers that one person was hanging with the branch



of '*lichi*' tree behind Ramchandrapur College. She believed that both the aforestated persons have killed her son-in-law. Accordingly, the FIR was lodged and the petitioner was taken into custody.

Learned counsel for the petitioner submits that it is purely a case of last seen and nothing has come on record to show the involvement of the petitioner only because of his alleged threatening, the informant suspected his involvement. Further submission is that he is in custody since 17.09.2021 and charge sheet stands submitted.

In this case, case diary was called for and the same has since been received.

Learned APP, on the other hand, perused the case diary and submits that save and except the fact of apprehension of the informant in the FIR in course of investigation, no specific role has come up showing his complicity in the matter.

Taking into account the aforesaid fact as also that in the case diary, it has not come in the investigation that anyone has seen alleged committment/killing, the petitioner is in custody since 17.09.2021 and charge sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Additional Sessions Judge-12, Muzaffarpur in connection with Sessions Trial NO. 38 of 2022 arising out of Deoriya P.S. Case No. 120 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



Nothing recorded in this bail application shall be taken up for consideration in course of trial as the same has only been observed for grant of bail.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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