

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33852 of 2021

Arising Out of PS. Case No.-122 Year-2011 Thana- BRAHMPURA District- Muzaffarpur

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RAMESH @ RAMESH KUMAR Son of Ram Vilas Ray @ Ram Vilah Ray
Resident of Village- Mishrauliya, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur,
		Mr. Bhavesh Kumar, Adv.
For the Opposite Party/s :		Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 08-03-2022 Heard Mr. Ajay Kumar Thakur, learned counsel for

the petitioner and Mr. Akshay Lal Pandit, Additional Public

Prosecutor for the State.

Petitioner seeks regular bail in connection with
Brahampura PS Case No. 122/2011 registered for the offence
punishable under Sections 302/34 and 120B of the IPC.

As per First Information Report, three named accused
persons took the husband of the informant on motorcycle and
subsequently after three days, the dead body of her husband was
found in Motipur Police Station. It is further alleged that the
petitioner has been made accused on the basis of the fact that 1-
2 days prior to the occurrence, the petitioner had called the
informant and informed her that document relating to residential



house of the informant is with him in addition to three cheques in which there is total entry of Rs. 2,25,000/- on three cheques.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged. He next submits that the petitioner had earlier filed bail application before this Court *vide* Cr. Misc. No. 47837/2013 which was rejected and the petitioner did not surrender before the court below and was waiting for the outcome of the investigation. He further submits that the charge-sheet bearing no. 170/2011 was submitted by the police on 30.09.2011 in which the petitioner was not sent for trial and the investigation against him was kept pending. He next submits that on any point of time, the petitioner was not declared absconder and procedure under Section 82 and 83 of the CrPC was not initiated against the petitioner. However, the petitioner was arrested on 30.01.2021 and the supplementary charge-sheet bearing no. 37/2021 has been submitted on 15.4.2021.

Learned counsel next submits that from perusal of the charge-sheet, it would be evident that it has been submitted only because 90 days time prescribed for its submission was expiring and there is no material against the petitioner to connect him with the present offence.



Having regards to the submissions made by the parties and taking into consideration the material on record and the fact that no *prima facie* material has been collected by the police during course of investigation and the petitioner is in custody for more than a year i.e. since 30.01.2021, I am inclined to grant regular bail to the petitioner subject to the conditions that petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

Accordingly, let the petitioner, RAMESH @ RAMESH KUMAR be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Brahampura PS Case No. 122/2011.

(Anil Kumar Sinha, J)

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