

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38527 of 2021

Arising Out of PS. Case No.-77 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Chandan Ram @ Chandan Kumar, son of Suresh Ram, Resident of Village- Kothiya Ward No.10, Dhebuli, P.S.- Muffasil (Lakha O.P.), District- Begusarai.
 2. Bipin Ram, Son of Suresh Ram, Resident of Village- Kothiya Ward No.10, Dhebuli, P.S.- Muffasil (Lakha O.P.), District- Begusarai.
 3. Mallu Ram @ Deepak Ram, Son of Suresh Ram, Resident of Village- Kothiya Ward No.10, Dhebuli, P.S.- Muffasil (Lakha O.P.), District- Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abul Kalam, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-02-2022 Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

The three petitioners, in the present case, are seeking regular bail in connection with Begusarai Muffasil (Lakho O.P.) P.S. Case No. 77 of 2019 registered for the offences punishable under Sections 302, 201, 120B/34, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act. They are in custody since 19.02.2021 and 06.02.2021 respectively having no criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioners submits that this is a case of false implication because of prior enmity. According to



him, petitioner no. 1 had lodged one Bachhwara P.S. Case No. 90/2017 under Section 365/366/120B/34 of the Indian Penal Code against the deceased for having abducted his wife and the said case is still pending. It is submitted that because of the said case and enmity the petitioners have been falsely implicated. There is no eye witness and nobody has seen the deceased in the company of the petitioners.

On the other hand, Mr. Dayal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that so far as petitioner no. 1 is concerned, there is a strong motive against him and that has been attributed by none else but wife of petitioner no. 1 whose statement has been recorded in paragraph '39' of the case diary. She has categorically alleged that her husband has killed the deceased with whom she was in love and on being tortured by petitioner no. 1 she had gone for living with the deceased.

So far as petitioner no. 2 & 3 are concerned, they are the family members of the petitioner no. 1 but similarly situated co-accused Suresh Ram and Bhutta Ram @ Sujit Ram @ Ajit Ram have been granted bail by learned coordinate Bench of this court in Cr. Misc. No. 37484/2019.

Having regard to the submissions and materials



placed before this court, there being substantial materials suggesting strong motive against petitioner no. 1 particularly the statement of his wife in paragraph '39' of the case diary, this Court is not inclined to release petitioner no. 1 on bail at this stage.

Prayer for regular bail of petitioner no. 1 is, thus, refused.

So far as petitioner nos. 2 & 3 are concerned, there is no specific allegation against them, they seem to be similarly situated with the co-accused who have been granted privilege of regular bail in Cr. Misc. No. 37484/2019, they are in custody for over one year and investigation against them is complete as also that their presence may be secured in course of trial, this Court directs release of the petitioner nos. 2 & 3 above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai in connection with Begusarai Muffasil (Lakho O.P.) P.S. Case No. 77 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner no. 2 & 3 and in case at



any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

