

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32409 of 2022

Arising Out of PS. Case No.-120 Year-2021 Thana- SAHODARA District- West Champaran

Bhim Ram @ Bhim Kumar, Son of Dindeyal Ram Resident of Village-Prem
Nagar, P.S.-Sahodara, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 38544 of 2022

Arising Out of PS. Case No.-120 Year-2021 Thana- SAHODARA District- West Champaran

Vijay Kumar Ram Son Of Sri Dindayal Ram R/O Village- Premnagar, P.S.-
Sahodara, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32409 of 2022)

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

Ms. Shail Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 38544 of 2022)

For the Petitioner/s : Mr. Umesh Chandra Verma, Sr. Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

Ms. Shail Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 16-09-2022 Since both the cases arise out of Sahodara P.S. Case
No. 120 of 2021 as such, they have been heard together and are
being disposed of by this common order.

Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Sahodara P.S. Case No. 120 of 2021 registered for the alleged offences under Sections 302, 34 and 396 of the Indian Penal Code.

As per prosecution case, the petitioners and other co-accused persons slit the throat of the son of the informant in his shop and after murdering him took away Rs. 15 lakhs.

Learned counsel for the petitioner Bhim Ram submits that the petitioner has been falsely implicated in this case and he has no role in the occurrence. There is no specific allegation against the petitioner that he assaulted the deceased or gave knife blow to him. The petitioner is brother-in-law of the deceased and from the F.I.R., it is apparent that though the informant is not an eye witness, she has falsely implicated entire family of in-laws of the deceased. Learned counsel further submits that the co-accused Vimlesh Ram who is another brother-in-law of the deceased surrendered before the police station and confessed that he murdered his brother-in-law by means of knife and also produced the knife before the police. Learned counsel further submits that it is very much clear that



the petitioner has no role in the death of the son of the informant. Learned counsel further submits that no cogent material has come up against this petitioner except suspicion of the informant and the investigating agency. Charge sheet has been submitted in this case and the petitioner is in custody since 23.02.2022.

It has been submitted by the learned counsel for the petitioner Vijay Kumar Ram that the petitioner is a victim of false implication as he happens to be one of the members of the family of in-laws of the deceased. The co-accused Vimlesh Ram, the brother-in-law of the deceased, who committed his murder by slitting his throat with knife, has surrendered in the police station with the weapon of the offence and confessed his guilt. Though, the wife of the deceased has named her brothers the co-accused Vimlesh Ram and the petitioner Bhim Ram who committed *marpit* with the deceased and his wife but she has not named this petitioner. Learned counsel further submits that even on the date of alleged occurrence, the deceased had lodged Sahodara P.S. Case No. 119 of 2021 under Sections 384, 385 and 386 of the Indian Penal Code against this petitioner Bhim Ram and co-accused Vimlesh Ram and Deepak Kumar Kushwaha. Thereafter, Sahodar P.S. Case No. 121 of 2021 has



been lodged on the basis of self statement of P.S.I. Sanjeev Kumar stating that murder was committed by co-accused Bimlesh Kumar. The petitioner is in custody since 08.03.2022 and charge sheet has been submitted in this case.

Learned APP for the State opposes the prayer for bail of the petitioners submitting petitioners were named by the informant in the F.I.R. and even during investigation, it has come that they were involved in the murder of the son of the informant.

Having regard to the facts and circumstance and submission made on behalf of the parties and considering the fact that co-accused has confessed to his crime, produced the weapon of murder and surrendered, before the police and there does not appear to be any substantive material on record to connect the petitioner with the alleged occurrence, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand)each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Sahodara P.S. Case No. 120 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:



(i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioners.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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