

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34012 of 2022

Arising Out of PS. Case No.-80 Year-2020 Thana- UPHARA District- Aurangabad

Ramadhar Singh Son Of Sahab Singh Resident of Village - Shankardih, P.s.-
Uphara, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Uphara P.S.Case No. 80 of 2020 for the
offences punishable under Sections 147, 148,149,302 of the
Indian Penal Code and section 27 of the Arms Act.

The prosecution case is based on the fardbeyan of
the informant alleging therein that on 02.12.2020, while the
father of the informant was at home, in the meantime, all
the FIR named accused persons came at the door of the
informant and taken away his father forcibly to the East of



the embankment of canal and assaulted him with lathi, danda and Garasa and shot him dead.

Learned counsel for the petitioner submits that from the FIR, it is evident that specific allegation levelled against the FIR named accused persons that they took away the father of the informant on the embankment of canal and killed him. The petitioner is not named in the FIR however, during the course of investigation, in supervision note suspicion has been raised against the petitioner and thereupon his name has been implicated in this case and save and except suspicion there is no other material which suggests the complicity of the petitioner in the present crime. She further submits that co-accused persons against whom, there is specific allegation, have been granted bail by co-ordinate Bench of this Court, after taking into consideration the falsity of the case that no firearm injury has been found on the body of the deceased, in Cr. Misc. No. 35310 of 2021 vide order dated 08.12.2021. She last submits that, there is a counter version of the present occurrence lodged by co-accused Jai Prakash Singh bearing Uphara P.S.Case No. 86 of 2020 against the informant as



well as his family members.

On the other hand, learned counsel for the State vehemently opposed the bail application of the petitioner and submits that during the course of investigation, strong suspicion has been raised against the petitioner.

Regard being had to the submissions and considering the fact that petitioner is neither named in the FIR nor any cogent material has come during the course of investigation, apart from the fact that the person having specific allegation have already been granted bail and so far as petitioner is concerned, having fair antecedent is in custody since 18.04.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Uphara P.S. Case No. 80 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. 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.

(Harish Kumar, J)

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