

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45357 of 2021

Arising Out of PS. Case No.-160 Year-2019 Thana- GUTHANI District- Siwan

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RAM EKBAL RAJBHAR @ RAM EKBAL @ RAMEKBAL RAJHAR SON
OF LATE SWAMINATH RAJBHAR Resident of Village - Gyaspur, P.S.-
Guthni, Distt.- Siwan, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prashant Kumar
For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-01-2022 Heard the learned Counsel for the petitioner and

learned Additional Public Prosecutor for the State, through

Video Conferencing.

This application, for grant of regular bail, arises out
of Guthni Police Station Case No. 160 of 2019, disclosing
offences under Sections 363, 302, 201/34 of the Indian Penal
Code.

The learned counsel for the petitioner submits that
the petitioner is in custody since 06.01.2021 and is a person
with clean antecedent and charge-sheet has been submitted.

The learned counsel for the petitioner submits that
the allegation in the FIR is that informant alleges that five
persons including the petitioner called the informant's brother in

the evening, it is further alleged that his belongings including some clothes were found in the field on the next day. Apprehending that his brother has been murdered, informant has lodged the present case.

The learned counsel for the petitioner submits that as per First Information Report, the alleged victim had accompanied the petitioner and there is no allegation against them that he was forcibly taken by them. Parties are agnates and implication is based on subsisting land dispute and family dispute merely on suspicion. It has further been submitted that till date even the dead body of the victim has not been recovered. The learned counsel submits that during the course of investigation, it has also come that the victim was in habit of fleeing away from home for considerable period of time. It has further been submitted that there is no eye witness to the occurrence and the petitioner is a person with clean antecedent.

The learned APP opposes the prayer for bail.

Considering the fact that the petitioner is in custody since 06.01.2021 is a person of clean antecedent and charge-sheet has been submitted and similarly situated co-accused, Shivji Rajbhar @ Shivjee Bhar and Ramu Rajbhar, have been granted bail by order dated 18.03.2021 passed in Cr. Misc.

No.382 of 2021, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Guthni Police Station Case No. 160 of 2019, with a condition that one of the bailor shall be the mother of the petitioner.

(Satyavrat Verma, J)

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