

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43618 of 2021

Arising Out of PS. Case No.-30 Year-2021 Thana- PIPRA District- Supaul

RAM SHANKAR YADAV @ RAMASHANKAR YADAV S/O BAMBHOLI
YADAV RESIDENT OF VILLAGE-GADHIYA WARD NO. 10, P.S.
BHAPATIYAH, DISTRICT-SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Roy, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 30-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 31.01.2021, seeks
regular bail in connection with Pipara P.S. Case No. 30 of 2021
dated 29.01.2021 registered for offences punishable under
Sections 30 and 201/34 of the Indian Penal Code.

Prosecution story in brief is that informant lodged the
present F.I.R. regarding the murder of his father whose dead
body was found floating in a pond at Village Dhadhi
Bhawanipur and on suspicion he named several persons in the
F.I.R. to have been committed murder of his father. In course of



investigation, informant himself was found to be the main conspirator who had committed murder of his father with the help of the accused persons named in the F.I.R. as well as whose name has surfaced in course of investigation. Petitioner's name has surfaced on the basis of confessional statement of the informant.

Learned counsel appearing on behalf of the petitioner submits that father of the petitioner was having illicit relationship with a woman of his village which was objected by the informant. The father of the informant was adamant to marry the said woman and was ready to transfer entire property in her name. Aggrieved by the same, the informant along with his accomplices had committed murder of his father. He further submits that petitioner has neither concern with the alleged murder nor any independent eye witnesses have supported the confessional statement of the informant. Petitioner is a professional singer and had performed on certain auspicious occasion in the village of the informant. On one occasion the petitioner had refused to perform on the request of the informant. There is no other evidence to the informant. He has named the petitioner in false case. Petitioner is in custody since 31.01.2021 and has clean antecedent and seeks direction of this



court to be released on bail on any terms and conditions imposed by this Court.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that from perusal of paragraph no. 40 and other paragraphs of the case diary, the complicity of the present petitioner cannot be ruled out.

Having heard the rival submission of the parties, allegation made in the F.I.R. and from the evidences and materials evolved in course of investigation it has come that informant himself had committed murder of his father along with the other co-accused persons. Due to certain previous enmity, the informant has named the petitioner as one of the associates who had committed murder of his father. No independent witnesses or other co-accused named in the F.I.R. have supported the allegation made in the F.I.R. against the petitioner. Prima facie it appears that petitioner has made out a case to be enlarged on bail.

The Court below is directed to release the petitioner above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-VI, Supaul in connection with Pipara P.S. Case No. 30 of 2021 dated



29.01.2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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