

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40673 of 2022

Arising Out of PS. Case No.-313 Year-2021 Thana- KASIMBAZAR District- Munger

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Ravi Kumar @ Barun Son Of Ratan Yadav R/O Village- Kasim Bazar, P.S.-
Kasim Bazar, District- Munger

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Patel, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 16-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks regular bail in connection with Kasim Bazar
P.S. Case No. 313 of 2021 registered for the offences punishable
under Sections 302, 120 (B) and 34 of the Indian Penal Code
and under Section 27 of the Arms Act.

As per the prosecution, the informant's sister was
married to this petitioner (Ravi Kumar) @ Barun six years ago
and soon after the marriage, informant's sister was subjected to
torture by her in-laws. Meanwhile, the informant's mother was
shot dead by his Gotia and in the said incident the informant's

sister also got injured by a gun shot due to which her left hand was not working properly due to which her in-laws did not like her. Further it is alleged that as the informant's sister was an eye-witness to the above incident and the Gotia of the informant have some relation with the deceased's in-laws, therefore they at any cost did not allow the deceased to record her statement in the above incident and also threatened to kill her. Later on, on the alleged date the informant's sister was murdered by her in-laws and Gotia of the informant.

The main submissions advanced by learned counsel Mr. Ranjeet Patel appearing for the petitioner are that the petitioner is a C.I.S.F personnel and he was posted at Dhanbad at the time of the alleged occurrence and in this regard Annexure-2 has been filed by the petitioner to show his presence at Dhanbad at his posting place during the relevant time of the alleged occurrence and during the course of investigation co-accused person Gautam Kumar made confessional statement revealing the involvement of this petitioner in the alleged crime and on that basis the petitioner has been dragged in this case, in fact the deceased was a material witness in connection with Bariyarpur P.S. Case No. 04 of 2017 and the informant wanted to extort money from the

petitioner which was refused by him and thereafter petitioner has been falsely implicated in this case. Further submission is that petitioner is husband of the deceased and there was no reason for him to kill her as there is one daughter from the wedlock between the petitioner and the deceased and the said daughter is now Five years old and earlier no any type of complaint or case was lodged on behalf of the deceased or the parental family members in respect of the any alleged cruel behavior.

Learned APP, Mr. Madhura Nand Jha, appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and the case diary of this case. The petitioner is stated to be a government employee posted in C.I.S.F and he has taken the plea of alibi and according to his defence he was not present at the alleged place during the time of occurrence rather he was present at his posting place in Dhanbad and in this regard he has filed Annexure- 2 showing his presence at his posting place. The FIR goes to show that there was no good relation between the deceased and the accused persons of Bariyarpur P.S. Case. No. 04 of 2017, in which the deceased was a material witness and in the FIR of present case merely a suspicion has been raised by

the prosecution party against the petitioner. From the perusal of the case diary no direct evidence appears against the petitioner to show his involvement in the alleged crime of murder and merely on account of the petitioner having some good relation with accused persons of Bariyarpur P.S. Case. No. 04 of 2017 he has been made accused in this case. As per the FIR the marriage of the victim with this petitioner took place six years ago and according to the FIR the petitioner always tortured the deceased but before the happening of the alleged occurrence any type of complaint with regard to the alleged behavior was not made against the petitioner as submitted. Considering these facts as well as above submissions and custody period of the petitioner, in the opinion of this Court it is a fit case for grant of bail to the petitioner. Accordingly, his prayer for bail stands allowed. Let the petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Munger in connection with Kasim Bazar P.S. Case No. 313 of 2021.

(Shailendra Singh, J.)

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