

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52695 of 2021

Arising Out of PS. Case No.-10 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

Niranjan Ram @ Niranjan Kumar @ Niranjan Kumar Ram S/o- Ganesh Ram
Resident of Village- Dhanupara, P.S.- Saraiya (Jaitpur O.P.), District-
Muzaffarpur. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-05-2022 Heard counsel for the petitioner.

Let the defect(s), if any, as pointed out by the office
be removed within a period of four weeks.

The petitioner is in jail since 30.6.2021 for the offence
under sections 302, 201, 120(B)/34 of the Indian Penal Code in
connection with Sahebganj P.S. Case No. 10 of 2020.

As per the FIR, the informant claims that his younger
brother, Chandan Kumar, who was in love affairs with Pinki
Kumari and later on 19.11.2012, they tied in the nuptial knots.
He further claims that subsequently on 4.1.2020, he came to
know that the accused persons who are relatives of Pinki
Kumari killed his brother and threw his body at 'Dhaupra
Chaur.'

The police took up the investigation and names of the
family members of Pinki Kumari cropped up. In this way, the
petitioner came into the judicial custody and he is in jail since



30.6.2021 (as stated in para-14 of the bail application).

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that after the death of his brother, the informant only on the ground that since he had married Pinki Kumari who was related to them, has dragged him in this case. He further submits that in the FIR, the name of Sonu Ram and Ganesh Ram has been disclosed by the informant who had come to his house on 3.1.2020 and enquired about Chandan Kumar and had threatened the family members of the informant.

So far as this petitioner is concerned, he is maternal uncle and had nothing to do with the present case. He was not even named in the FIR but later was implicated in this case. He lastly submits that the petitioner is already in jail since 30.6.2021 and thus he deserves bail.

The learned APP represents the State submits that during investigation it has cropped up that all the family members of Pinki Kumari conspired and killed the informant's brother.

This Court has gone through the rival contentions of the parties and found that an omnibus allegation has been levelled against the petitioner that he was part of the conspiracy



where the victim person was taken up and killed by the accused persons. His name was not part of the FIR but later came up during the course of investigation. The charge-sheet has already been submitted and he is in jail since 30.6.2021 and as such this Court is inclined to grant bail to the petitioner.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Sahebganj P.S. Case No. 10 of 2020 subject to the following conditions:-

(i) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(ii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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