

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57282 of 2021

Arising Out of PS. Case No.-121 Year-2021 Thana- KALYANPUR District- East Champaran

Ganesh Ram Son of Late Bhujawan Ram Resident of Village- Medan Sirisiya,
P.S.- Kalyanpur, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

According to prosecution case, as per F.I.R. the father of the informant went his sasural as village Medan Sirisiya on 19.05.2021 where Kishore Ram, Ganesh Ram, Rakesh Ram, Suresh Ram, Manju Devi and 8-10 unknown persons came with conspiracy and given pressure for drinking wine when the father of informant not addicted, on due pressure of Kishore Ram, when restrain for taking wine then accused persons assaulted to



the father of the informant, father of informant made hulla on which Manju Devi caught hair and pull down, when informant restrained then threatened by the accused persons, thereafter informant informed police station through Chowkidar, when police came at the place of occurrence he died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that in fact the petitioner is brother-in-law of the deceased. He further submits that postmortem report of the deceased has not supported the allegation as alleged in the F.I.R. and it appears from the postmortem report the cause of death disclosed as due to heart failure. He further submits that no external injury was found on the body of the deceased, apart from that no specific allegation of assault against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 22.07.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Kalyanpur P.S. Case No. 121 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation 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.

(Rajesh Kumar Verma, J)

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