

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.50264 of 2022**

Arising Out of PS. Case No.-359 Year-2021 Thana- GORAUL District- Vaishali

Kundan Kumar Ram Son of Laldeo Ram Resident of Village - Belkunda, P.S.
Mahua, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 23-12-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by the Stamp Reporter by
16th January, 2023.

Heard learned counsel for the petitioner and Mr.
Mrityunjay Kumar Nirala, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Goraul P.S. Case No. 359 of 2021 registered for
the offences punishable under Sections 365, 302 of the Indian
Penal Code. He is in custody since 15.05.2022. The petitioner
has got no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the son of the informant was staying with
his relative Ram Chandra Ram (this petitioner) at village
Mansoorpur for few days and on 09.09.2021, he left for his



village but did not reach. Thereafter on 13.09.2021, the dead body of the son of the informant was recovered and as such an FIR was lodged.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody since 15.05.2022 having no criminal antecedent.

Learned counsel submits that the co-accused Surendra Ram and other accused persons have already been granted bail by learned Co-ordinate Benches of this Court.

Mr. Mrityunjay Kumar Nirala, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted that the petitioner has been made accused only on mere suspicion because he and the co-accused Lalu were working together with the deceased, the FIR has been lodged 4 days after the alleged date on which the son of the informant went missing and from Annexure '3' to this application, it appears that co-accused Surendra Ram was named in the FIR and against whom, the allegation was that he had kept the son of the informant in his house for doing some



work, has already been granted anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 39052 of 2022, some other accused including Lalu have been granted bail in Cr. Misc. No. 53104 of 2021, 38604 of 2022, 38489 of 2022 and 48352 of 2022, there being no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, petitioner has remained in custody since 15.05.2022 and investigation against him is complete, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -1, Vaishali at Hajipur in connection with Goraul P.S. Case No. 359 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

Certified copy of this order shall be made available
only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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