

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60789 of 2021

Arising Out of PS. Case No.-609 Year-2018 Thana- NAUBATPUR District- Patna

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Sohray Ram @ Sohraj Kumar @ Sohray Kumar, Son of Sudi Ram, Resident of Village- Daudpur, P.S.- Masaudhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-09-2022 Heard Mr. Jay Ram Prasad, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks regular bail, who is in custody in connection with Sessions Trial No.312 of 2021, arising out of Naubatpur P.S. Case No. 609 of 2018, registered for the offences punishable under Sections 365, 302/ 201 of the Indian Penal Code.

As per prosecution case, it is alleged that on 20.12.2018, while the informant was in his shop, in the meantime, his neighbour Sohray Ram came along with his two friends and taken away his brother, but he did not return till late night on 21.12.2018, the informant started searching



his brother and in course of search on 22.12.2018, the dead body of his brother was found lying near the canal.

Learned counsel for the petitioner submits that the petitioner is named in the FIR only on the backdrop that he along with deceased and others went for roaming and after one day the dead body of the brother of the informant was found. From the F.I.R., it appears that the petitioner, deceased and co-accused persons were friends and, as such, there was no motive of killing the deceased. He next submits that the brother of the informant went along with the petitioner Sohray Ram and his two friends on 20.12.2018 at about 4.30 P.M. and the dead body was recovered on 22.12.2018 and from the post mortem report, it appears that the time elapsed since death is within 24 hours, which suggests that the deceased had died on 21.12.2018. Hence, there is no close proximity of time in taking away the brother of the informant and his death. He further submits that the petitioner is in custody since 30.08.2020 and save and except his own confessional statement, there is no other material, which suggests the complicity of the petitioner.



On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner is one of the persons, who have taken away the deceased and thereafter, the dead body was found missing.

Regard being had to the submissions made on behalf of the parties and considering the fact that save and except confessional statement, there is no other material, apart from the post mortem report and time of last seen, suggesting no proximity of time and period of incarceration, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Danapur, Patna in connection with Session trial no. 312 of 2021, arising out of Naubatpur P.S.Case No. 609 of 2018, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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