

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65978 of 2021

Arising Out of PS. Case No.-224 Year-2018 Thana- JAGDISHPUR District- Bhojpur

Ram Niwas Yadav @ Ram Niwas Singh Son Of Hardeo Singh Resident Of
Village - Isharhi, Police Station - Jagdishpur, District - Bhojpur At Ara.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-05-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard Mr. Ramakant Sharma, learned Senior Counsel assisted by Mr. Rajesh Kumar, learned counsel for the petitioner and Mr. Zainul Abedin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Jagdishpur P.S. Case No. 224 of 2018 registered for the offences punishable under Sections 341, 323, 307 and 302 of the Indian Penal Code. He is in custody since 11.08.2021. The petitioner has no criminal antecedent.

The FIR has been lodged on the basis of the fardbeyan of one Bhanu Giri who has alleged that when he was going to load sand after taking a sum of Rs.2050/- from this petitioner and had his own money of Rs.950/-, near Narayanpur his entire money and



mobile were looted away. It is alleged that he took loan of Rs.3000/- from someone and loaded the sand and when he came back to Ram Niwas Yadav (the petitioner), he demanded sum of Rs.3000/- on which this petitioner raised suspicion on the alleged story of loot and he was not paying the said amount to the informant (since deceased).

It is then alleged that on 01.06.2018, this petitioner called him on the pretext of giving Rs.2050/-, while he was giving Rs.2050/- the informant demanded a sum of Rs.3000/- whereupon this petitioner is said to have started abusing the informant, tied him and assaulted him but a person working in the chimney untied him whereafter the informant started fleeing away to his village but from behind this petitioner came to his village, poured kerosene oil on his body and set him on fire as a result whereof he was badly burnt and was referred to Sadar Hospital where his statement was made.

Learned Senior Counsel submits that in course of investigation, police has submitted a chargesheet under Section 306 IPC. It is further submitted that at this stage in course of trial only two witnesses have been examined who are the father and the mother of the informant, the father is witness to the FIR also but the father and the mother both have turned hostile. The father has stated that his thumb impression has taken on the fardbeyan and he



had no information about the condition of his son. In course of his cross-examination, he said that he could not know whether his son had committed suicide being aggrieved by something. The mother has also denied any knowledge as to the demand of money the mother has stated in her examination-in-chief that she came to know that her son had set himself on fire.

Learned Senior Counsel submits that in this case there are altogether 11 chargesheet witnesses out of them only two have been examined so far and the trial is not likely to be concluded in near future. It is his submission, thus, that considering the materials available on the record and the fact that in this case the petitioner has already remained in jail for 9 months and his presence may also be secured in course of trial and further the witness to the FIR who is the father of the deceased has already deposed, this Court may consider granting the privilege of bail to the petitioner.

Mr. Zainul Abedin, learned APP for the State has though opposed the prayer for bail of the petitioner but on the face of the depositions of the father and the mother of the deceased available on the record and considering that in course of investigation police has submitted chargesheet under Section 306 IPC and the petitioner has already remained in jail for 9 months as also that the trial is not likely to be concluded in near future and his presence



may be secured in course of trial, this Court directs release of the petitioner above named 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-I, Bhojpur at Ara, in connection with Jagdishpur P.S. Case No. 224 of 2018, 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.

This application stand allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

