

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71119 of 2021

Arising Out of PS. Case No.-434 Year-2015 Thana- BODHGAYA District- Gaya

Krishnakant Ram, S/O Bagedan Ram, R/o village- Ghari, P.O.- Sohgai, P.S.-
Nasriganj, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate
Mr. Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Kumar Virendra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 17-08-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the mother of the petitioner has died on 11.08.2022.

Heard learned counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bodh Gaya P.S. Case No.434 of 2015, registered for the alleged offences under Sections 364, 302, 120 (B)/34 of the Indian Penal Code.



As per the prosecution case, the father of the informant was abducted and later on his dead body was recovered. The informant named altogether nine co-accused persons for being involved in the occurrence. During investigation, the name of this petitioner transpired as one of the accused persons who was also involved in the murder of the father of the informant.

The learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the FIR and till date, it is not clear how the police came to know that the petitioner is involved in this case. During investigation, the co-accused named one Krishna for being involved in this matter as an accomplice, but there is nothing on record to show that the petitioner Krishnakant Ram and Krishna are the same person and how the connection has been established between the petitioner and the person named in the confessional statement. Moreover, the petitioner was named in this case after twenty months of the lodging of the case. Furthermore, three mobile numbers were mentioned by the police stating that these numbers belong to the petitioner who was named by the co-accused in his confessional statement, but how come these numbers were discovered or identified, it is not clear. Obviously,



the case is based on circumstantial evidence, but there is no chain of circumstances to show the link of this petitioner with the alleged crime. A number of co-accused persons have been granted anticipatory/regular bail by different Coordinate Benches of this Court in Cr. Misc. Nos. 15012/2016, 22059/2016, 10386/2016, 25112/2016, 36260/2016, 9256/2016, 12400/2016 and 15328/2016. The case of the petitioner is on similar footing. The charge sheet has been submitted in this case and the petitioner is in custody since 28.06.2021.

Learned APP opposes the prayer for bail submitting that in paragraph 235 of the case diary, the petitioner has been named by the co-accused and thereafter the mobile numbers of the petitioner came to the knowledge of the investigating agency and on the basis of the mobile numbers, his identity was established. Moreover, the petitioner is having criminal antecedents.

Perused the records.

Having regard to the facts and circumstances and considering the submissions made hereinabove and further considering the lack of material against this petitioner to connect him with the alleged crime with certainty and further considering the grant of anticipatory/ regular bail to several co-



accused persons and also considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Bodh Gaya P.S. Case No. 434 of 2015, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

