

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3915 of 2022

Arising Out of PS. Case No.-3 Year-2021 Thana- HASPURA District- Aurangabad

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RAMESH SAO, Son of Ramchandra Saw, Resident of Village - Dumra, P.s.-
Haspura, Distt.- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 24-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Haspura P.S.
Case No. 03 of 2021 registered for the offence punishable under
Section 302 of the Indian Penal Code.

There is allegation that the informant's daughter has
brutally been assaulted by means of "*Garasa*" in the dead of the
night.

Learned counsel for the petitioner submits that the FIR
does not assign any motive. He submits that informant is not an eye
witness and it is a case lodged merely on suspicion. The further
submission is that the informant, realizing the gravity of the situation,
has filed a petition in the trial court stating that he does not wish to
pursue this case, copy of the same is Annexure-2 to the bail petition.
It is also submitted that the petitioner, having clean antecedents, has
now remained in custody for more than two years, i.e. since
10.01.2021.

Under the circumstances, this Court requisitioned copy of
the case diary along with the postmortem report and stage of trial.
Referring to the same, it is submitted by learned APP that the
postmortem report supports the allegations as stated by the



informant, the same manifests repeated assault on the victim.

The status report dated 19.01.2023 received from the court shows that not a single witness has turned up in the trial till date, though the petitioner has been in custody for more than two years now.

Considering this fact coupled with the filing of petition by the informant, as considered above, this Court would consider it fit case for grant of bail to the petitioner.

Prayer for bail of the petitioner is allowed.

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 C.J.M., Aurangabad, in connection with Haspura P. S. Case No. 03 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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