

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4283 of 2023**

Arising Out of PS. Case No.-867 Year-2021 Thana- KUDHNI District- Muzaffarpur

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RAMESH SAH Son of Vishwanath Sah R/o Mohalla- Teen Pokhariya  
Sundarbag Road No. 3, P.S.- Mithanpura, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      27-04-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
28.09.2022 in connection with Kudhani P.S. Case No. 867 of  
2021, F.I.R. dated 25.11.2021 for the offences punishable under  
Sections 302, 201, 120B, 406, 34 of the Indian Penal Code.

According to prosecution case, in brief, is that owing  
to prior dues or outstanding amount dispute, accused persons  
including the petitioner have killed the brother of the informant  
and threw the dead body on railway track.

Learned counsel for the petitioner submits that  
petitioner has clean antecedent and he has falsely been  
implicated in the present case. He further submits that in fact the  
informant is not the eye witness of the alleged occurrence and



only on the basis of suspicion the petitioner has been made accused in the present case. He further submits that the postmortem report does not support the allegation as alleged in the F.I.R. He further submits that similarly situated, co-accused, namely, Shyam Nandan Singh and Gautam Singh @ Gautam Kumar have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 23.11.2022 passed in Cr. Misc. No. 26258 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 28.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 1<sup>st</sup> Additional Chief Judicial Magistrate, West Muzaffarpur in connection with Kudhani P.S. Case No. 867 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date



fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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 step 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.

**(Rajesh Kumar Verma, J)**

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