

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4216 of 2023

Arising Out of PS. Case No.-629 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

Arun Ram @ Arun Kumar S/o Late Patali Ram R/o Village- Kukuradh, P.S.-
Sonhan, Distt- Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

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

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 02-05-2023 1. Heard learned counsel for the petitioner and the learned
APP for the State.
2. Petitioner seeks regular bail in connection with Bhabhua
(Sonhan) P.S. Case No. 629 of 2022 dated 25.09.2022 registered
for the offences punishable under Sections 147, 148, 149 and
302 of the Indian Penal Code.
3. As per the prosecution, the petitioner, her son namely,
Arun Ram and four to five unknown persons having lethal
weapons came to the hut of the informant and started brutally
assaulting her husband due to which the husband of the
informant died on the spot. It is further alleged that the co-
accused Rita Devi wanted to have illicit relationship with the
informant's husband and also wanted to grab her husband's
property.

4. The main submissions advanced by learned counsel for petitioner are that though as per the FIR the informant is stated to be the eyewitness of the alleged occurrence but in actual she is not an eyewitness as the allegation levelled by her in respect of this petitioner and co-accused persons is completely vague and there was no reason for the petitioner to kill informant's husband and as per the FIR the petitioner is not stated to be the assailant and perhaps the informant herself might have been involved in killing of her own husband as the deceased was not having cordial relationship with his wife and after the murder of the victim, she fabricated a false story roping the petitioner, his mother and others and moreover, the petitioner has been languishing in jail since 30.11.2022 and he has fair and clean antecedent and petitioner's mother Rita Devi, who is co-accused in this case, has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 70618 of 2022.

5. Learned APP for the State has opposed the bail prayer of the petitioner.

6. Heard both the sides and perused the FIR. As per the FIR, the informant claimed herself to be the eyewitness of the alleged occurrence and according to her allegation this petitioner, his mother and four to five unknown persons came at the hut where the deceased was living and thereafter brutally assaulted him in consequence of which the informant's husband died and the

informant revealed the reason of the commission of the alleged occurrence of murder and petitioner is named in the FIR. Considering the nature of allegation appearing against this petitioner, I am not inclined to enlarge him on bail. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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