

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4825 of 2023

Arising Out of PS. Case No.-154 Year-2022 Thana- KADWA District- Katihar

1. MITHUN RAM S/O DILIP RAM Resident of Village- Basantpur Ward No.- 5, P.S.- Kadwa, District- Katihar.
2. SANJEEV RAM S/O RAM CHARAN RAM Resident of Village- Basantpur Ward No.- 5, P.S.- Kadwa, District- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 27.05.2022 in connection with Kadwa P.S. Case No.154/2022, F.I.R. dated 26.05.2022 registered for the offences punishable under Sections 302, 201 and 34 of the I.P.C.

According to prosecution case, the informant has received information that her husband is injured and unconscious condition is lying near a pond. When she reached there then her husband told that the accused persons as named in the F.I.R. had tried to kill him and then he succumbed to death. It is pertinent to mention that the accused persons have threatened informant's husband four days back as he was willing to file an appeal in the



Hon'ble Court against them.

Learned counsel for the petitioners submits that petitioner no.2 has clean antecedent and the petitioner no.1 has carried one criminal antecedent other than the present one and they have falsely been implicated in the present case. He further submits that the names of the petitioners have been transpired during investigation on the basis of suspicion and the informant is not an eyewitness of the alleged occurrence. He further submits that the informant suspects that due to previous enmity, the petitioners might have killed the husband of the informant. He further submits that except suspicion, no other cogent material has come during investigation to connect the involvement of these petitioners in the present occurrence. He further submits that the co-accused, namely, Pravin Ram has been granted bail vide order dated 12.05.2023 passed in Cr. Misc. No.2426 of 2023 and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 27.05.2022.

Learned Additional Public Prosecutor for the State on the other hand opposed the prayer of bail of the petitioners.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the



satisfaction of the learned Additional District Judge-IV, Katihar in connection with Kadwa P.S. Case No.154/2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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