

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11591 of 2023

Arising Out of PS. Case No.-627 Year-2022 Thana- RUPASPUR District- Patna

RAM JANAM @ MIYANJI @ RAM JANAM RAM S/O Late Bengali Ram
R/O Village- Kothwan Chamal Toli, P.S- Khagaul, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Advocate
For the Informant	:	Mr. Arun Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
14.10.2022 in connection with Rupaspur P.S. Case No. 627 of
2022, F.I.R. dated 29.09.2022 for the offences punishable under
Sections 302, 34 of the Indian Penal Code.

According to prosecution case, as per F.I.R. the
petitioner and his associates had brutally assaulted and killed the
son of the sister of the informant when he had gone to demand
his wage.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the basis of suspicion.
He further submits that in fact the petitioner is named in the



F.I.R. but there is no acquisition of any assault or overt-act is attributed against the petitioner. He further submits that it has come during investigation that in paragraph no.17 of the case diary on the basis of video footage it was been found that the co-accused persons namely, Shankar Ram and Sanjivan Das have assaulted the victim. He further submits that similarly situated, co-accused, namely, Arun Ram and Shankar Ram have been granted bail by a co-ordinate Bench of this Court vide order dated 30.05.2023 passed in Cr. Misc. No. 16215 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 14.10.2022.

The learned counsel for the informant learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that the bail application of one of the co-accused namely, Sunil Kumar Das @ Sunil Ram has been rejected by a co-ordinate Bench of this Hon'ble Court vide order dated 25.05.2023 passed in Cr. Misc. No. 29013 of 2023.

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 Additional Chief Judicial Magistrate-1st, Danapur, Patna in connection with Rupaspur P.S. Case No. 627 of 2022, 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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