

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10927 of 2023**

Arising Out of PS. Case No.-269 Year-2022 Thana- CHERIYA BARIYARPUR District-  
Begusarai

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RAM KUMAR SADA Son of Suresh Sada Resident of Village - Jaymangol  
Gadh Manjhaul 03 Ward No.- 1, P.S.- Cheriabariarpur, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Randhir Kumar No.1, Adv.  
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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

3      24-06-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
08.10.2022 in connection with S. Tr. No.09/2023, arising out of  
Cheriya Bariyarpur P.S. Case No.269/2022, F.I.R. dated  
07.10.2022, for the offences punishable under Sections 302 of  
the IPC.

According to prosecution case, the petitioner is alleged  
to have killed the father of the informant by means of axe, while  
he tried to stop the petitioner from cutting of the tree, which was  
planted by the forest department.

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 it appears from the F.I.R. as well as subsequent statement of the informant, which is recorded in paragraph-3 of the case diary that the informant is not an eyewitness of the alleged occurrence. He further submits that the alleged date of occurrence is 05.10.2022 but the present F.I.R. has been instituted on 07.10.2022 and before the lodging of the F.I.R. the inquest report was prepared on 06.10.2022 and the postmortem was also conducted on 06.10.2022 at about 4.00 P.M. and before filing of the present F.I.R. the informant has not named the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 08.10.2022.

Learned Additional Public Prosecutor for the State on the other hand 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 ACJM, Manjhaul, Begusarai in connection with S.T.No.09/2023, arising out of Cheriya Bariyarpur P.S. Case No.269/2022, 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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