

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15258 of 2023**

Arising Out of PS. Case No.-22 Year-2007 Thana- RAXAUL District- East Champaran

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RAMSHABD RAI SON OF SRI HIRA RAI R/O VILLAGE- BAIRIYA, P.S.-
KESHARIYA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Adv.

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

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

4 08-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 02.10.2022 seeks
bail, in connection with Raxaul P.S. Case No.22/2007, dated
06.03.2007, for the offences punishable under Sections 302 of
the Indian Penal Code.

3. According to prosecution case, the dead body of the
deceased was sent for the postmortem report, which reveals that
the deceased has died due to asphyxia caused by excessive
pressure on the chest and neck.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case due to
previous panchayat election. He further submits that initially
U.D. Case No.05/2006 has been registered. He further submits



that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of suspicion because the petitioner was also driver in the vehicle in question in which the deceased was working as a cleaner. He further submits that except the suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and no one has seen the occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 02.10.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. 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 SDJM, Raxaul in connection with Raxaul P.S. Case No.22/2007, 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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