

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19527 of 2023

Arising Out of PS. Case No.-62 Year-2021 Thana- KARAMCHAT District- Kaimur (Bhabua)

1. RAJESH RAM Son of Shri Bijadhar Ram @ Vijadhari Ram Resident of Village - Karanpura, P.S.- Chenari, District - Rohtas (Sasaram)
2. Poonam Devi Wife of Rajesh Ram Resident of Village - Karanpura, P.S.- Chenari, District - Rohtas (Sasaram)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-07-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Karamchat P.S. Case NO. 62 of 2021 dated 24.12.2021 registered for the offence under Sections 302, 201 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that on receiving information about the discovery of a dead body, he went to the place where the dead body was found. None of the persons gathered there could identify the deceased who appeared to be as 26 years old and it further appeared that he had been strangled with



the help of a towel.

Learned counsel appearing for the petitioners submits that the petitioner No.1 carries two cases other than the present one and petitioner No.2 is having clean antecedent. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioners have not committed any offence. He further submits that initially the petitioners were not named in the F.I.R. but their names have transpired during course of investigation. He further submits that it has come during investigation that the deceased had illicit relation with petitioner No.2 who happens to be wife of petitioner No.1. He further submits that except the confessional statement of the petitioners, no other material has surfaced during course of investigation to suggest their involvement in the alleged occurrence. He further submits that there is no eye witness to the alleged occurrence and merely on the basis of suspicion, the petitioner has been made accused in this case. Moreover, the co-accused, namely, Niranjana Ram @ Niranjana Kumar and Kamlesh Kumar @ Kamlesh Ram whose names also transpired in the confessional statement of wife of petitioner No.2, have already been granted bail by a co-ordinate Bench



of this Court vide order dated 16.01.2023 passed in Cr. Misc. No. 28111 of 2021 along with Cr. Misc. No. 29823 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 27.12.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner No.1 carries one more case other than the present one whereas petitioner No.2 is having clean antecedent.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 learned Additional Judicial Magistrate-3, Kaimur at Bhabua in connection with Karamchat P.S. Case No. 62 of 2021 with 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 canceled 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.

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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