

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20095 of 2023

Arising Out of PS. Case No.-99 Year-2022 Thana- RAJEPUR District- East Champaran

1. Nagendra Ram Son Of Ram Chandra Ram Resident Of Village Nakardewa, Ps Rajepur, Distt- East Champaran
2. Sonu Ram @ Rakesh Kumar Son Of Chandeshwar Ram Resident Of Village- Nakardewa Ps- Rajepur, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioners seek bail where petitioner, namely, Nagendra Ram is in custody since 05.11.2022 and petitioner, namely, Sonu Ram is in custody since 03.11.022, in connection with Rajepur P.S. Case No. 99 of 2022, F.I.R. dated 23.05.2022 for the offences punishable under Sections 302/34 of the Indian Penal Code.

According to prosecution case, these petitioners along



with other unknown persons took away the husband of the informant. It is further alleged that when informant and her brother-in-law started searching him, she came to know that the dead body of her husband has been found lying in the field of Deep Lal Sah.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the basis of suspicion. He further submits that as per the allegation alleged in the F.I.R., these petitioners took away the husband of the informant from his house and his dead body was found next day. He further submits that the informant is not the eye witness of the alleged occurrence and during investigation, not a single witness has come forward to suggest that he/she has seen the occurrence and no one has supported the prosecution person. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioner, namely, Nagendra Ram is in custody since 05.11.2022 and petitioner, namely, Sonu Ram is in custody since 03.11.022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, East Champaran (Motihari) in connection with Rajepur P.S. Case No. 99 of 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 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 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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