

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29517 of 2023

Arising Out of PS. Case No.-204 Year-2021 Thana- SANDESH District- Bhojpur

SUBODH RAM Son of Tapeswar Ram Resident of village-Hardas Tola,
Police Station-Chandi, District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Sandesh P.S. Case No. 204 of 2021 registered for the offence
under Sections 302/34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 21.12.2022.

4. The allegation against the petitioner is to
commit murder of the son of the informant, while he visited his
house on 06.10.2021 along with cash of Rs. 40,000/-.

5. Learned counsel appearing on behalf of the
petitioner submitted that the informant is not the eye-witness of
the occurrence and entire allegation is based upon suspicion, out
of money disputes, as son of the informant was working partner



of this petitioner. It is submitted that dead body of the son of the informant found on 07.10.2021 near to *Akh Gaon*, west to SH81, and thereafter same was brought to the house of the informant, where, on very next day on 08.10.2021, same was sent for postmortem and thereafter 06 days, the present FIR was lodged having all afterthought in furtherance of suspicion, as submitted above. It is submitted that delay for lodging FIR is also not properly explained. Learned counsel further submitted that nothing surfaced, during course of investigation, which may suggest, involvement of this petitioner, *prima facie*, with present occurrence of murder. It is also pointed out by learned counsel that no external injury was noticed upon the dead body of the son of the informant, while conducting postmortem, where, cause of death, yet to be ascertained and for said purpose viscera, etc. also kept preserved. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as



mentioned above, as save and except suspicion, nothing appears against this petitioner, where, informant is not the eye-witness of the occurrence and FIR was lodged with delay, without having any just explanation coupled with the fact that charge-sheet has already submitted, where, petitioner is a man of clean antecedent and in custody since 21.12.2022, let the petitioner, above named, is directed to be released on bail in connection with Sandesh P.S. Case No. 204 of 2021, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Bhojpur at Ara/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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