

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32068 of 2023

Arising Out of PS. Case No.-282 Year-2022 Thana- DULHIN BAZAR District- Patna

RANJAY KUMAR SON OF LATE NANHAK RAM RESIDENT OF
VILLAGE -JAMUI, PS- DULHIN BAZAR, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 23-08-2023

Heard the parties.

The petitioner is in custody in connection with Dulhin Bazar P.S. Case No. 282 of 2022 for the offence under sections 302/34 of the Indian Penal Code lodged on 24.10.2022 by the informant, Sukhari Yadav.

As per the prosecution story, the allegation is that the father of the informant was selling vegetables, returned home and used to sleep at the house of one Hardwar Verma. On the fateful day, the informant came to know that he has been murdered, went there and found that the hands and legs of his father was tied with clothe. Further, the mouth was filled with clothes. Accordingly, the FIR.

The name of the petitioner came on the basis of the spy. According to the case diary, prior to the incident, for



sleeping space, there was fight between the petitioner and the deceased and the deceased had beaten him and thrown him from the said place. Before leaving, the petitioner had threatened him of dire consequences.

Learned counsel for the petitioner submits that no one has seen the occurrence and only on the basis of the said fight between the two, someone else committed murder for which he has been implicated only on the ground that spy has narrated that there was a fight.

The last submission is that he has suffered a lot by being in custody since 14.11.2022 (as stated in paragraph 4 of the petition).

Learned counsel for the informant, on the other hand, submits that he was missing from the day of occurrence, used to come to the village and explain to the villagers that he has killed the deceased.

To this, learned counsel for the petitioner submits that such kind of narration can be rejected as only sane person can keep on disclosing that he has killed the person concerned.

Learned APP opposes the prayer for bail.

Taking into account the fact that no one has seen the occurrence, the petitioner finds himself implicated only on the



basis of the alleged fight between the deceased and him, has remained in custody since 14.11.2022, will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Danapur, District-Panta, in connection with Dulhin Bazar P.S. Case No. 282 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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