

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35141 of 2023

Arising Out of PS. Case No.-979 Year-2021 Thana- BANKA District- Banka

RAVAN DAS @ RAWAN DAS Son of Mahabir Das Resident of Village-
Bisuwatanr, Police Station and District- Banka

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Balram Kapri, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-07-2023

Heard the parties.

The petitioner is in custody since 24.12.2022 in connection with Banka P.S. Case No. 979 of 2021 for the offence punishable under Sections 302, 120B & 34 of the I.P.C. lodged on 10.12.2021 by the informant Mukesh Kumar.

The prosecution story, in brief, is that as per the written report of the informant who is the son of deceased Manijar Manjhi that on 09.12.2010 for gathering information about the person who consumed liquor near of his village, his father had gone out but did not return till late night. About 8.00 PM., the informant and their family searched but could not find him. Next day i.e. on 10.12.2021 at about 5 A.M., they saw that some persons were assembled at 'Jharna Amatari Bahiyar' (field), reached there and saw that his father's dead body lying



there. It has further been alleged that informant's father informed the higher officer about liquor being used in his locality, therefore, animosity developed with the villagers. One of the Villager namely Ram Prasad @ Prasadi Das had been sent to jail and his wife has threatened the deceased to kill him.

It is further alleged that in the aforesaid animosity the petitioner along with First Information Report named accused persons in planed manner killed the father of the informant and thrown him in the lonely place at 'Jharna Amatari Bahiyar' (field). The informant suspected that First Information Report named person might have killed his father.

It has been contended by the learned counsel for the petitioner that the informant is not the eye-witness and he gathered information on the basis of the report given by the 'Chowkidar' and as such only on the basis of suspicion, he has been put in custody since 24.12.2022 (as stated in para-14 of the bail petition).

Mr. Bharat Bhushan, learned APP on the other hand submits that the name of the petitioner cropped up during the investigation and as such opposes the prayer for bail.

Considering the fact that there is no eye-witness to the occurrence, the petitioner has remained in custody since



24.12.2022 and ultimately have to face the 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) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Banka P.S. Case No. 979 of 2021 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 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 next 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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