

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35889 of 2022

Arising Out of PS. Case No.-643 Year-2021 Thana- NAUBATPUR District- Patna

1. Sumitra Devi, W/O Mathura Ravidas Resident Of Village- Rustomganj, P.S. Post- Naubatpur, District- Patna.
2. Mathura Ravidas S/O Shri Umesh Ravidas Resident Of Village- Rustomganj, P.S. Post- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Prasad Sinha

For the Opposite Party/s : Mr. Upendra Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 14-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Naubatpur P.S. Case No. 643 of 2021, registered for the offences punishable under Sections 302, 201 and 34 of the I.P.C.

The prosecution case as emerges from the FIR is that on 05.12.2021 in the evening, the son of the informant, namely, Aman Kumar went out for playing with nearby children but did not return till 07:00 P.M. Then the informant and his family members started searching him but could not



find him. On the next day, the dead body of his son was found dumped in a trough (Nad) in front of the house of one Late Kishun Ravidas. It is further alleged that one Mathura Ravidas and his wife had earlier given threat of dire consequences due to quarrel between children.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion. He further submits that though the alleged offence is serious in nature but the petitioner is not the culprit. He also submits that there is no cogent material except oral statement against the petitioner. He further submits that the investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 07.12.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.



However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Chief Judicial Magistrate-III, Danapur, Patna in connection with Naubatpur P.S. Case No. 643 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police



officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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