

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36204 of 2023

Arising Out of PS. Case No.-217 Year-2022 Thana- PATEPUR District- Vaishali

CHANDRA BHUSAN KUMAR Son of Ram Darash Bhagat Resident of
village-Bherokhara, P.S.-Patepur, District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with
Patepur P.S. Case No. 217 of 2022 registered for the offences
under sections 302, 201 and 34 of the Indian Penal Code lodged
on 09.08.2022 by the informant, Ganesh Bhagat.

The allegation in the FIR is that one Ravi Ranjan @
Bambaiya called the neighbour of the deceased, Niraj Kumar
asking for his photo. Further, it is alleged that the said Ravi
Ranjan @ Bambaiya made another call stating that his mother
has been implicated in a rape case and got arrested and further
threatened for consequences. Later allegation is that Ravi
Ranjan @ Bambaiya got Niraj Kumar disappeared and his dead
body was found in a ditch on 09.08.2022.



The prosecution story further narrates that this petitioner as also Anil Kumar had participated in the worship at Brahm Asthan after the murder. Accordingly, the FIR.

The contention of the learned Counsel for the petitioner is that the main allegation is against Ravi Ranjan @ Bambaiya only because he was at a wrong place, Brahm Asthan where Ravi Ranjan @ Bambaiya was worshipping, he also got implicated.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that it is killing and disappearance of the body of the informant's side.

Considering the aforesaid facts that the main allegation is against Ravi Ranjan @ Bambaiya, the only allegation that has come against this petitioner is that he participated in the '*puja*', is in custody since 01.02.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

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 the learned C.J.M., Vaishali at Hajipur in connection with Patepur P.S. Case No. 217 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 *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 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 his 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 the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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