

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52860 of 2023

Arising Out of PS. Case No.-71 Year-2021 Thana- BANGAWON District- Saharsa

Raju Verma @ Raju Prasad @ Raju Lal S/O Sri Ayodhyalal Prasad @
Ayodhyalal R/O Village- Kaithwalia, Ward No. 08, Ps. Jogapatti (Shanichari),
Dist.- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 24-08-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Bangaon P.S. Case No. 71 of 2021 dated 15.06.2021 registered for the offences punishable u/ss 302 and 120B of the Indian Penal Code.

4. As per the prosecution case, the informant gave his tractor on hire to the co-accused Prakash Verma at the rent of Rs. 20,000 per month and the younger brother of the informant used to drive the tractor. On 11.06.2021, the informant received



a call on mobile phone from the co-accused Praksah Verma about the illness of his brother and he told the informant to contact the petitioner and the other co-accused Amit Verma for information regarding his brother. The informant reached Saharsa Hospital and found his brother dead. The informant further named some of his co-villagers for being involved and also stated that there were some injury marks on the body of his brother and showed his suspicion that his brother was killed and his dead body was left in the hospital by the petitioner and the co-accused persons.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is no specific allegation against the petitioner. There is no eye-witness to the alleged occurrence. As per the postmortem report, the cause of death could not be ascertained and viscera was preserved for chemical examination. There is general and omnibus allegation against the petitioner. Nothing has been recovered from the conscious possession of the petitioner. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 16.05.2023 passed in Cr. Misc. No. 19415 of 2023. The petitioner has clean antecedent as stated in para 3 of the bail



petition. The petitioner is in custody since 26.08.2022.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Saharsa in connection with Bangaon P.S. Case No. 71 of 2021, with the following condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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