

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40483 of 2023

Arising Out of PS. Case No.-181 Year-2021 Thana- KATORIYA District- Banka

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Ramratan Pandey Son of Valmiki Pandey Resident of village-Karanpur, P.S.-
Laxmipur, District-Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
11.01.2023 in connection with Katoriya P.S. Case No. 181 of
2021, F.I.R. dated 12.07.2021 for the offences punishable under
Sections 302, 201 and 120B of the Indian Penal Code and
Section 27 of the Arms Act.

4. According to prosecution case, the informant who
is A.S.I. of Katoriya P.S. received an information that one dead
body of a male was lying near village Behanga river Jor and on
inquiry it was found to be unidentified. It is further alleged that



on search three used cartridges of bullet were recovered from there.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the statement of the wife of the victim which was recorded in paragraph no. 8 of the case diary in which she has stated that her husband went to Laxmipur on 01.07.2021 along with the petitioner and one Pinku Pandey but he did not return and on the next day the dead body of the husband was recovered and she suspected that the petitioner and other accused persons might have killed her husband. He further submits that on the basis of the CDR analysis, it was found that the petitioner was in touch with the deceased. He further submits that except the suspicion, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 11.01.2023.

6. The learned Additional Public Prosecutor on the basis of the material available on record and the case diary has



vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 8 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the 8 cases.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Katoriya P.S. Case No. 181 of 2021, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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