

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43274 of 2022

Arising Out of PS. Case No.-429 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

1. Shatrudhan Ram @ Satrugan Ram Son of late Raghunath Ram Resident of Village - Balthi Narhar, P.s.- Sahebganj, Distt.- Muzaffarpur.
2. Vijay Ram Son of Late Raghunath Ram Resident of Village - Balthi Narhar, P.s.- Sahebganj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Hari Kishore Thakur, Advocate
For the State	:	Mr.Damodar Prasad Tiwary, APP
For the Informant	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-01-2023 Heard learned counsel for the petitioners and learned APP for the State as well as learned counsel for the informant.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioners seek bail in connection with Sessions Trial No. 318/2022 arising out of Sahebganj P.S. Case No. 429 of 2021 registered for the alleged offences under Sections 302 and 34 of the Indian Penal Code.

As per prosecution case, the husband of the informant was assaulted by the petitioners and co-accused



Sarita Devi with a wooden plank. Further allegation against the petitioners is that they put down the husband of the informant and strangled him. The occurrence took place as the husband of the informant could not return Rs. 100/- taken by him from petitioner Shatrughan Ram.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case and the prosecution story is not believable. The real fact of the case is that the husband of the informant was not a person of good character and he has stolen mobile phone of the wife/mother of the petitioners for which he was admonished. There is only general and omnibus allegation against the petitioners and no specific overt act has been attributed to them. It is not believable that for not paying dues of Rs. 100/- the petitioners would take such extreme step of killing the husband of the informant. The petitioners are in custody since 10.12.2021 and charge-sheet has submitted.

Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant submits that petitioners have been named in the FIR who assaulted the husband of the informant more than once and finally killed



him by putting him down and strangulating him. However, learned APP concedes that the cause of death has been kept reserved in the postmortem report till the report of chemical analysis was available.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the postmortem report which does not show death has been caused due to any assault or strangulation and also considering period of custody of the petitioners along with the submission of charge-sheet against them, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-11th, Muzaffarpur in connection with Sessions Trial No. 318/2022 arising out of Sahebganj P.S. Case No. 429 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.



(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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