

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52382 of 2023

Arising Out of PS. Case No.-239 Year-2022 Thana- CHOUTARWA District- West
Champaran

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RANJIT RAM @ RANJIT KUMAR SON OF KHOBARI RAM RESIDENT
OF VILLAGE- BHISHANPURWA, PS- BATHWARIA, DISTT- WEST
CHAMMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 01-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 66 of 2023 arising out of Chautarwa (Bathwaria) P.S. Case No. 239 of 2022 initially registered for the offence punishable under Section 365 of the IPC and later on, Sections, 302, 201, 120(B), 34 of the Indian Penal Code were also added.

3. As per prosecution case, informant's husband is said to have went away on receiving an unknown call but he did not return his home. It is further alleged that informant made call on the phone of her husband but the same was disconnected by unknown. Hence, FIR has been registered against unknown.



4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. During course of investigation on the basis of confession of co-accused Krishna Sah @ Krishna Kumar, name of petitioner has been surfaced in the present case. Except confessional statement of co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. Even if the confessional statement of co-accused Krishna Sah @ Krishna Kumar is taken into account, then also Krishna Sah @ Krishna Kumar is said to have illicit relation with the informant, who is wife of the deceased and petitioner is merely party to the conspiracy. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner is in custody since 21.07.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that there is inordinate delay of three to four days in lodging the FIR as the alleged occurrence took place on 17.06.2022 and the FIR has been lodged on 21.06.2022 and no plausible explanation has been given regarding the said delay. He further submits that co-accused Krishna Sah @ Krishna



Kumar, upon whose confessional statement name of petitioner has been surfaced, has already been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 74250 of 2022 and case of present petitioner stands on better footing and he also deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused has already been granted bail by a co-ordinate Bench of this court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Bagaha, West Champaran in connection with Sessions Trial No. 66 of 2023 arising out of Chautarwa (Bathwaria) P.S. Case No. 239 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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