

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54280 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- TARIYANI CHAPRA PS District- Sheohar

SUBHAKAR KUMAR, SON OF SHRI JAYRAM RAY RESIDENT OF
VILLAGE TURKI KHARARU PS MINAPUR DISTRICT MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-08-2023 Heard the parties.

2. The petitioner is in Judicial custody in connection with Tariyani Chhapra P.S. Case No. 07 of 2023 instituted under Section 304(B), 201 and 34 of the I.P.C. lodged on 01.02.2023 by the informant, Vishwanath Sahni.

3. As per the prosecution story, the lady (since deceased) was married to Surendra Rai and her death led to lodging of the F.I.R. So far as this petitioner is concerned, allegation is that he though he is not related to the family of the accused, was part of the group who were taking the dead body for disposal.

4. It is the case of the petitioner that Section 302 IPC is not attributed to him, at best his implication is under Section 201 of the IPC, in good faith he was part and parcel of the



cremation, the dead body was recovered and not disposed of, he is in custody since 22.06.2023 (para 12 of the petition). Learned counsel for the petitioner further submits that the petitioner does not have criminal antecedent and is a young boy of 20 years.

5. Learned APP opposes the prayer for bail stating therein that after the unfortunate death / killing of the lady, he was one of the accused who was trying to get the body disposed of.

6. Considering the submission put forward by learned counsel for the petitioner, he is not related to the family of the accused person, is a young boy of 20 years, do not have criminal antecedent and is in custody since 22.06.2023, this Court is inclined to grant him privilege of bail.

7. Let the petitioner 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 A.C.J.M. Ist Sheohar, in connection with Tariyani Chhapra P.S. Case No. 07 of 2023, subject to 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 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 the bail bonds:

(iv) 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.

(Rajiv Roy, J)

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