

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58639 of 2023

Arising Out of PS. Case No.-75 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

1. Mahesh Singh @ Chinti Singh S/O- Rama Shankar Singh R/O- Village- Koiendi, P.S.- Chainpur, Dist.- Kaimur (BHABUA)
2. Ram Bachan Ram S/O- Late Chotku Ram /O- Village- Koiendi, P.S.- Chainpur, Dist.- Kaimur (BHABUA)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Sahay, Advocate
		Mr. Rakesh Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard the parties.

2. The petitioners are in judicial custody in connection with Chainpur P.S. Case No. 75 of 2023 for the offence punishable under Sections 365 of the Indian Penal Code and later 32,201 and 120B/34 was added. lodged on 21.3.2023 by the informant, Kunti Devi.

3. As per the prosecution story, the allegation is that the informant's husband had gone to see the date of his case in the Civil Court, Bhabhua. It is the prosecution story that he was not having a good mental health and while returning, he reached another village, parked his motorcycle in front of house a person, proceeded on foot but till 21.3.2023 (even after five



days he was traceless). She has further stated that he was habitual of taking liquor and thus the FIR. His dead body was recovered from a well. Subsequently, during the investigation, the spy gave information that since the petitioner no.2 had lodged case against the informant's deceased husband, he may be the person behind his killing. Accordingly, they were taken into custody and confessed to the guilt.

4. It is the case of the petitioner that only to solve the puzzle, under coercion the confessional statement has been made. As per the FIR, the mental health of the informant's husband was not good, he left the motorcycle on way, the dead body recovered from the well and even after he became traceless on 16.3.2021, till 21.3.2023, no FIR was lodged. The lady herself has narrated that he was used to taking liquor, in that background, the judicial custody of the petitioners (24.3.2023) is without any basis.

5. Learned counsel for the informant submits that Ram Bachan Ram, petitioner no.2 had earlier lodged the case against the informant's husband and that is why he conspired and killed her husband, he as such opposes the prayer.

6. Considering the aforesaid submission put forward by the parties, the material on record as also the allegation that



has been narrated in the FIR, in view of the fact that they remained in custody since 24.3.2023, FIR lodged and ultimately they will have to face the trial, for the present, it would be better that the accused persons-petitioners are granted relief.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M.-III, Bhabhua, Kaimur, in connection with Chainpur P.S. Case No. 75 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners 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;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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