

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60053 of 2022

Arising Out of PS. Case No.-225 Year-2022 Thana- GAURICHAK District- Patna

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Sidhu Ram @ Gope Jee @ Sidheshar Prasad S/O Late Sukhdev Prasad
Resident of Mohalla- West Jay Prakash Nagar, Basanti Press (Sita Ram Gali),
P.S.- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanju Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 201/34 of the Indian
Penal Code.

The prosecution case, in short, is that on 16.04.2022
the informant's uncle was living in a hut along with aunty and
cousin sister, thereafter bad relation developed between his
aunty and contractor of fishing Sidhu Ram for which his uncle
forbid not to do work in bari. Thereafter on 14.04.2022 his uncle,
aunty and cousin sister went to their hut for sleeping and they
also quarreled in the night. On next date Sidhu Ram said to the
informant that his uncle has gone. Thereafter the informant
started searching but in the meantime the petitioner found



coming and going between hut to bari upon which the informant suspected and when he went near the pond, found the dead body of his uncle. The informant suspected that the contractor along with aunty and his cousin sister killed his uncle.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case only on the basis of suspicion. He further submits that the informant is not the eye witness of the alleged occurrence and only on the basis of suspicion, the petitioner has made accused in the present case. He further submits that except the suspicion, no other cogent material has come during investigation against the petitioner and the police after investigation submitted chargesheet against the petitioner. The petitioner is in custody since 24.05.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of charge, if not framed** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Gaurichak P.S. Case No. 225 of 2022, with the following conditions :-



(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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