

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65220 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- PIPRAKOTHI District- East Champaran

1. RAJ KUMAR RAM SON OF DHORA RAM RESIDENT OF VILLAGE SURAJPUR CHAMARTOLI, PS- PIPRAKOTHI, DIST- EAST CHAMPARAN
2. RAJ KISHORE RAM SON OF DHORA RAM RESIDENT OF VILLAGE SURAJPUR CHAMARTOLI, PS- PIPRAKOTHI, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67960 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- PIPRAKOTHI District- East Champaran

DINESH RAM S/O GANGA RAM R/O VILLAGE- SURYAPUR
JIWDHARA, PS- PIPRA KOTHI, DIST-EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65220 of 2023)

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

(In CRIMINAL MISCELLANEOUS No. 67960 of 2023)

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-12-2023 Heard Mr. Abhishek Kumar, learned counsel for the

petitioners and Mr. Jharkhandi Upadhyay learned APP for the

State in Cr. Misc. No. 65220 of 2023 and Mr. Anant Kumar Mishra,

learned counsel for the petitioner and Mr. Md. Mushtaque Alam,



learned APP for the State in Cr. Misc. No. 67960 of 2023.

2. The petitioners are apprehending their arrest connection with Piprakothi P.S. Case No. 138 of 2023, F.I.R. dated 17.06.2023 registered for the offences punishable under Sections 302, 326, 34 of the Indian Penal Code.

3. As per prosecution case, it is alleged by the informant that her husband went to the Kalesari river bank to graze buffalos and when he did not return till evening then informant, her daughter and son went to search and found their two buffalos tied with rope, and dead body of the informant's husband was lying in the field. It is further alleged that the reason of murder of her husband that Dinesh Ram, Subodh Ram and their associates Raj kumar Ram, Raj Kishore Ram and Sushil Ram and others who are liquor traders and from whom possession liquor was recovered had threatened her husband under dire consequences.

4. Learned counsel for the petitioners submits that the petitioner namely Rajkumar Ram has clean antecedent, petitioner namely Raj Kishore Ram carries one more case other than the present one and also petitioner namely Dinesh Ram carries three more cases other than the present one in which both petitioners namely Raj Kishore Ram and Dinesh Ram are on bail in the pending matters. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the



present case and they have been made accused in the present case merely on the basis of suspicion and no one is the eye witness of the alleged occurrence and even no one has last seen with the deceased. He further submits that except suspicion, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioners in the present occurrence.

5. Learned APP for the State opposed the prayer for anticipatory bail of the petitioners and submits that number of witnesses have supported the case of the prosecution in paragraph nos. 8, 9 and 10 of the case diary but fairly submits that except suspicion, no other material has come to suggest the involvement of the petitioners in the present occurrence. .

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Piprakothi P.S. Case No. 138 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Ibrar//-

U		T	
---	--	---	--

