

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67694 of 2022

Arising Out of PS. Case No.-454 Year-2015 Thana- SUGAULI District- East Champaran

Virendra Ram, S/O Late Sita Ram, R/o Village- Jagdishpur Jamuniya, P.S-
Jagdishpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Prateek Tandon, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sugauli P.S. Case No. 454 of 2015 registered for the offences punishable under Sections 302, 120(B)/34 and 328 of the Indian Penal Code.

It is alleged that while the father of the informant was sitting with the accused persons, he tried to persuade his father to come back home. However, his father continued in the company of the accused persons. Subsequently, the accused persons left his house and he found that foam was coming out



from the mouth of his father and soon thereafter his father was taken to hospital, where the doctor declared him dead.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. it would be evident that the father of the informant was in the company of the accused persons, who were drinking together and they are known to each other and there is no allegation of any overt act against them. However, it appears that the father of the informant died on account of cardiac arrest in a drunken state, as neither there is any post-mortem report nor the report from F.S.L. He further submits that the co-accused Paras Ram, against whom there was similar allegation, has been allowed bail vide order dated 21.08.2019 passed in Cr. Misc. No. 29697 of 2019, apart from the fact that other co-accused person, namely, Manju Ram @ Meghu Ram, who have been tried by the learned Sessions Court, has already been acquitted from the charges. He lastly submits that the petitioner is in custody since 22.06.2022, having fair antecedent.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that other co-accused persons, having similar allegation,



have either been allowed the privilege of bail or acquitted from the charges, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Sugauli P.S. Case No. 454 of 2015, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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