

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71104 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- PHULWARIYA District- Gopalganj

BALI RAM SINGH S/O HARILAL SINGH VILLAGE- PIPRA DHAR, PS.
SEVRAHI, DIST. KUSHI NAGAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj, Advocate.
For the State : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Phulwaria P.S. Case No. 141 of 2023 (Sessions Trial No. 632 of 2023) dated 1.5.2023 registered for the offence punishable under Sections 302, 201 and 34 of the Indian Penal Code.

3. As per prosecution case, the dead body of the son of the informant was recovered on 1.5.2023 who went missing on 26th of April, 2023. The informant named co-accused persons Babita Devi and Ajay Singh for being involved in murder of his son due to illicit relationship of his son with Babita Devi.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. The petitioner is not named in the First Information Report and there is no specific allegation against him. The petitioner is father of Babita Devi and he is a resident of Kushinagar, Uttar Pradesh. Petitioner solemnized marriage of his daughter with one Birendra Singh of District Gopalganj who has also been made accused in this case. Learned counsel further submits that the deceased shot the video of Babita Devi while bathing and started blackmailing her to make illicit relationship threatening her that he would upload her picture on internet and send it to her husband. The deceased also used to blackmail Babita Devi and take money from her. Learned counsel also submits that name of the petitioner came in the confessional statement of co-accused Babita Devi and also the self statement of this petitioner. Otherwise, there is no material against the petitioner. Learned counsel next submits that the deceased went missing on 26th of April, 2023 but First Information Report was lodged on 1.5.2023 and no explanation is forthcoming for delay in lodging the First Information Report. Moreover, in the First Information Report, the informant has only raised his suspicion and he is not sure about actual reason of death of his son. Further, it appears that the deceased met with a road accident and informant has falsely implicated the other co-accused persons and this



petitioner in this case. The petitioner is in custody since 3rd of May, 2023 and charge sheet has been submitted. The petitioner has got no criminal history.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently opposes the submission made on behalf of the petitioner. Learned counsel for the informant submits that the case diary has been called for in the pending petitions filed on behalf of other co-accused persons by a co-ordinate Bench of this Court. Learned counsel further submits that due to illicit relationship of the deceased with Babita Devi, there was dispute between the family of Babita Devi and the deceased in which the deceased was murdered.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties, I do not think there is any need to call for case diary and considering the fact that the petitioner was not initially named in the FIR and further considering the vague nature of allegation without any substantive material to connect the petitioner with the offence as alleged as also considering the submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned



ADJ XII, Gopalganj, in connection with Phulwaria P.S. Case No. 141 of 2023 (Sessions Trial No. 632 of 2023), subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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