

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71449 of 2022

Arising Out of PS. Case No.-218 Year-2022 Thana- CHENARI District- Rohtas

RAM PRATAP RAM @ RAMPRATAP Son of Late Ram Karan Ram @
Ramkaran Resident of Village- Baghi Kumbhapur, P.S.- Saidraja, District-
Chandouli (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Nand Kumar, APP
For the Informant : Mr.Saroj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-03-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State as

well as learned counsel for the Informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chenari
P.S. Case No. 218 of 2022 registered for the offence under
Section 302 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 18.10.2022.

As per prosecution case, while informant was on
patrolling of the area found a dead body of one unknown person
near to mountain of village Ughahni, which was informed to the



area S.H.O, who arrived on informantion and found head injury upon the dead body.

Learned counsel appearing on behalf of the petitioner submitted that the nature of FIR suggests that present case is to be registered as U.D. Case but for the reason based known to S.H.O. of the area, the present FIR was lodged under Section 302 of the I.P.C. against unknown persons. It is submitted that subsequent to the occurrence after two days, brother-in-law of the deceased gives a sanha to local police station that deceased went to 'Gupta Dham' along with three (3) co-villagers including petitioner and as rest of the villagers returned safely raised a suspicion to commit present murder. It is further submitted that during the course of investigation, name of the petitioner surfaced on the basis of confessional statement of apprehended co-accused, namely, Kanhaiya Prajapati, in furtherance of which no incriminating material recovered/surfaced, which may connect petitioner, *prima facie*, with present occurrence of murder. It is also submitted that even the statement of witnesses who were examined during the course of investigation, maximum allegation as appears against this petitioner is of '**last seen**' along with deceased. While concluding the argument, it is submitted that petitioner is a man



of clean antecedent and, moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel, Mr. Saroj Kumar, for the informant, while opposing the prayer of bail submitted that there is a strong suspicion as raised by brother-in-law of the deceased that offence of murder was committed by the petitioner including other unknown co-accused persons. It is submitted that petitioner was in inimical terms with deceased arises out of business activities. Learned counsel for the informant submitted that petitioner is resident of Uttar Pradesh, therefore, his criminal antecedent is to be verified.

Contrary to the submission as advanced by learned counsel for the informant, learned counsel for the petitioner further submitted that no such enmities as regard to business activities was raised even through the sanha of brother-in-law and as such submission as raised is only afterthought.

In view of the facts and circumstances as mentioned above, as save and except suspicion, nothing incriminating material recovered/surfaced, during the course of investigation to connect this petitioner, *prima facie*, with the present



occurrence of murder, where petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Chenari P.S. Case No. 218 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Rohtas at Sasaram/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

Learned Trial Court is directed to examine the criminal antecedent of the petitioner at the time of accepting the bail bond and if found in any crime as contrary to the statement as made in Para-3 of the bail petition, the bail bond of the petitioner shall not be accepted.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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