

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75051 of 2022**

Arising Out of PS. Case No.-228 Year-2020 Thana- PIYAR District- Muzaffarpur

RAM BILASH SAH S/O LATE LANGAR SAH Resident of village- Bagai
@ Mahinathpur, P.S.- Piyar, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 04-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offence punishable under Section 302 of the Indian Penal Code but police after investigation submitted charge sheet under Section 304 of the Indian Penal Code.

According to prosecution case, the husband of the informant had gone towards the field in the morning but he did not return and upon search, his dead body was found lying near a bush.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that initially the informant had not named the petitioner but later on the son



of the deceased, in his statement, raised suspicion against the petitioner. He further submits that there is no material to support the allegation in the statement of the son of the informant and similarly situated co-accused persons namely, Santosh Kumar @ Santosh Ram and Anil Kumar @ Anil Sah, who are sons of the petitioner have been granted bail by a co-ordinate Bench of this Court vide order dated 30.08.2022 passed in Cr. Misc. No. 26746 of 2022 and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 14.09.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below, where the case is pending, in connection with Piyar P.S. Case No. 228/2020, subject to 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 witnesses, 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 antecedent, 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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