

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13848 of 2024

Arising Out of PS. Case No.-143 Year-2023 Thana- BALIGAON District- Vaishali

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Ram Babu Rai Son Of Ramashish Rai Resident Of Village - Baligaon, Ps-
Baligaon, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the State : Mr. Ram Sumiran Rai, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 26-06-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Baligaon P.S. Case No. 143 of 2023 instituted for the offence
under Sections 363, 365 & 34 of the Indian Penal Code.
Subsequently, Section 302 of the IPC was added.

3. Prosecution case in short is that on 07-10-2023,
informant daughter aged about 18 years was missing and he has
apprehension that his daughter has been abducted by the
petitioner and other co-accused persons.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 09-10-2023. Petitioner is
stated to be man of clean antecedent.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case only on the basis of suspicion. It is submitted that there is no eye witness to the alleged occurrence. It is next submitted that victim has died and her dead body was recovered from the bank of the pond on 08-10-2023. Learned counsel for the petitioner goes on to submit that during the course of investigation, no specific allegation has been attributed to the petitioner. Referring to the postmortem report it is submitted that cause of death is stated to be asphyxia due to drowning in water.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that from perusal of paragraph Nos. 2, 6, 7, 8 & 97 of the case diary, it would reveal that informant and other witnesses have supported the prosecution case. Referring to paragraph No. 25 of the case diary, it is submitted that dead body of the victim has been recovered from the bank of the pond.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner, there being no direct involvement of the



petitioner even in the case diary and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, **after framing of charge, if not already framed**, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Baligaon P.S. Case No. 143 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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