

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35620 of 2024**

Arising Out of PS. Case No.-204 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

1. Satydeo Ram @ Bhola Ram Son Of Sakal Ram Resident of Village - Kritpura, Bangra, P.S. - Baikunthpur, District - Gopalganj
2. Dilip Ram Son Of Sakal Ram resident of village - kritpura, bangra, p.s. - Baikunthpur, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sachina, Advocate  
For the Opposite Party/s : Mr. Akbar Ali, APP

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

ORAL ORDER

6      06-12-2024      Heard learned counsel for the petitioners and learned APP  
for the State.

2.      The petitioners seek bail in connection with  
Baikunthpur P.S. Case No. 204 of 2023 instituted for the offence  
under Sections 302/34 of the Indian Penal Code.

3.      Prosecution case in a nutshell is that brother of the  
informant was killed by accused persons, including the  
petitioners owing to altercation took place between accused  
persons and the brother of the informant.

4.      It has been submitted on behalf of the petitioners



that the petitioners are in custody since 12-09-2023. Petitioners are stated to be man of clean antecedent.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. It is submitted that there is no eye witness to the occurrence. It is next submitted that there is general and omnibus allegation levelled against the petitioners. From perusal of the FIR, it would manifest that informant mentioned that the door of the room where incident occurred was locked from the inside as also there was no other means of entry or exit of the room. It is next submitted that there is no iota of evidence, which suggest the involvement of the petitioner in this case. Other co-accused have been granted bail by this Court, *vide* order dated 22-10-2024, passed in Cr. Misc. No. 39507 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. It is mainly contended that dead body of the deceased was found in the house of the petitioner No.1. Other witnesses have also supported the prosecution case. Paragraph No. 45 of the case diary is the postmortem report of the deceased, wherein doctor has opined cause of death to be asphyxia due to hanging.

7. Considering the aforesaid facts and circumstances



of the case, period of custody of the petitioner No.2 and taking into account the fact that there is no cogent material against the petitioner No.2 in the case diary, this Court is inclined to grant bail to the petitioner No. 2, namely, Dilip Ram.

8. Let the ***petitioner No.2, namely, Dilip Ram***, be released on bail 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 Baikunthpur P.S. Case No. 204 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner No.2.

(II) The petitioner No.2 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 No.2.

9. So far as ***petitioner No. 1, namely, Satydeo Ram @ Bhola Ram*** is concerned, taking into account the materials available in the case diary specifically the fact of dead body being found in the house of petitioner No.1, this Court, at this stage, is not inclined to grant bail to petitioner No.1. Accordingly, prayer for grant of bail of petitioner No.1, namely,



Satydeo Ram @ Bhola Ram is *rejected*. The trial court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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