

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39507 of 2024

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

Upendra 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. Tapeswar Sharma, APP

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

ORAL ORDER

3 22-10-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks 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 petitioner
owing to altercation took place between accused persons and the
brother of the informant.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 13-06-2023. Petitioner is a
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. It is submitted that there is no eye witness to the occurrence. Learned counsel next submits that there is general and omnibus allegation levelled against the petitioner. 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 submitted that there is no iota of evidence, which suggest the involvement of the petitioner in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraphs No. 10, 18 & 19 of the case diary, it is fervently submitted that witnesses have 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, clean antecedent of the petitioner and there being no direct involvement of the petitioner in the present case this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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.

(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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