

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43955 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- KUNAU LI District- Supaul

1. Sanjeev Ram Son of Late Shaini Ram R/o Ward No.14, village and P.O. and P.S.- Kunauli, Block- Nirmali, Dist.- Supaul
2. Mahendra Ram Son of Late Shaini Ram R/o Ward No.14, village and P.O. and P.S.- Kunauli, Block- Nirmali, Dist.- Supaul
3. Guddu Ram Son of Sri Badri Ram R/o Ward No.14, village and P.O. and P.S.- Kunauli, Block- Nirmali, Dist.- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-07-2024 Heard Mr. Amrit Abhijat, learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners seek regular bail, who are in custody since 28.02.2024 in connection with Kunauli P.S. Case No. 13 of 2024 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

3. Based on the written report, the prosecution alleges that all the FIR named accused persons including the petitioners by making a conspiracy killed the informant's son and hanged his body in a room at Koshi Colony. It is further alleged that the occurrence took place on account of illicit relationship between



the deceased and Asha Devi, wife of co-accused Madan Ram.

4. Learned counsel appearing on behalf of the petitioners contended that from the narratives made in the FIR, it is evident that there is no eyewitness to the alleged occurrence. The entire case is based upon suspicion. However, commission of causing death does not find support from the postmortem report wherein no external injuries were found over the dead body of the deceased. It is further contended that the impugned order clearly suggests that when the cause of death has not been ascertained, the viscera has been sent to the Forensic Science Laboratory. Referring to the impugned order, the learned counsel for the petitioner further contended that even as per the FIR, the only allegation against petitioners no. 1 and 3 is that they had threatened the deceased and his family members in Panchayati. Barring this, there is no material suggesting complicity of the petitioners in the present crime. It is lastly contended that the petitioners are men of fair antecedent and they themselves surrendered before the court below.

5. On the other hand, the learned counsel for the State opposed the bail application and submitted that the motive is writ large from the FIR.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case



is based on suspicion and there is no material suggesting complicity of the petitioners, coupled with their fair antecedent and the fact that the investigation of the crime is already complete, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Birpur, Supaul in connection with Kunauli P.S. Case No. 13 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

