

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48604 of 2024

Arising Out of PS. Case No.-531 Year-2023 Thana- PAROO District- Muzaffarpur

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Gautam Ram @ Gautam Kumar S/o Late Ram Sevak Ram Village-
Mohamadpur, PS- Paru, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard learned Advocate for the petitioner and the

learned APP for the State.

2. Application for grant of bail to the petitioner, who
is in custody in connection with Paroo P.S. Case No.531 of 2023
registered for the offence punishable under Section 302/34 of
the Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that in the evening of 14.12.2023, all the FIR named
accused persons came to the informant's house and on the
pretext of attending party have taken away his son. When the
son of the informant did not return in the late night, they started
searching him but his phone was found switched off. In the
morning, the dead body of the informant's son was found near
canal.



4. Learned Advocate for the petitioner contended that the allegation of taking away the son of the informant falsify from the statement of the mother and maternal uncle of the deceased. They have categorically stated before the police that it is the co-accused Chhapan Singh alias Kamlesh Singh and Arjun Singh who had come to the house of the informant and taken away his son, however, it was further suspected that the petitioner and other persons were also accompanied them. The informant is not an eye-witness to the alleged occurrence and only on account of the fact that the petitioner is somehow associated with the co-accused Chhapan Singh and Arjun Singh with whom there was some enmity on account of sale or purchase of the land, the name of the petitioner has been implicated. Moreover, the petitioner bears fair antecedent and now he has been incarcerated since 18.12.2023.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submits that the deceased was strangled to death and during the course of investigation the complicity of the petitioner has come.

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 in the premise of enmity coupled with the



fact that the petitioner is not one of the person who has come to the house of the informant and taken away the deceased apart from his fair antecedent and the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-I, Muzaffarpur in connection with Paroo P.S. Case No.531 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He 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, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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