

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48814 of 2024

Arising Out of PS. Case No.-405 Year-2023 Thana- KESARIA District- East Champaran

Ram Kishore Dubey @ Ram Kishore Dwivedi S/o- Late Ramjanam Diwedi
Village- Mananpur ward no 9, Ps- Kalyanpur Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 04-10-2024 Heard learned counsel for the petitioner and
learned A.P.P for the State.

2. The petitioner seeks bail in connection with Kesariya P.S. Case No. 405 of 2023 dated 09.08.2023 registered for the offence punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that son of informant namely, Mukesh Kumar Diwedi @ Munna Diwedi was going to Registrar's office. In the way, in village- Rajpur Jirat, someone committed his murder by shooting him. When the informant came to his house, he



came to know that the petitioner along with Ayush Kumar and his other associates have committed murder of the son of informant under criminal conspiracy.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that petitioner is not named in the F.I.R.. Only on the basis of suspicion, the petitioner has been made accused in this case. It is submitted that during course of investigation tower location of the petitioner was found at Rajpur Kesariya, who talked with the main accused of the present case, namely, Ayush Kumar. It is submitted that the informant is not an eye witness to the occurrence. It is submitted that the injured person did not disclose the name of the petitioner in his statement recorded under Section 161 Cr.P.C.. It is further submitted that the petitioner is the uncle of the main accused Ayush Kumar and except that nothing has come to connect the petitioner in the present case. It is further submitted that co-accused, namely, Ravi Shankar Dubey has been granted anticipatory bail *vide* Criminal Miscellaneous No. 81224 of 2023 by this Court. Lastly, it has been submitted that the petitioner is in



custody since 16.10.2023, having one criminal case against him in which the petitioner has been granted bail and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State and learned counsel for the informant oppose the prayer for bail of the petitioner.

6. Learned counsel for the informant submits that as per CDR and tower location, the petitioner had visited the place of occurrence.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran, Motihari in connection with Kesariya P.S. Case No. 405 of 2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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