

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64830 of 2024

Arising Out of PS. Case No.-170 Year-2023 Thana- HAYAGHAT District- Darbhanga

Manoj Ram S/O Late Maheshwar Ram Resident of Village - Ghosrama,
Police Station- Hayaghat, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 13-12-2024 Heard learned counsel for the petitioner and

learned A.P.P for the State.

2. The petitioner seeks bail in connection with Hayaghat P.S. Case No. 170 of 2023 dated 03.11.2023 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 03.11.2023 at 05:00 am, the petitioner along with other co-accused persons entered into the house of the informant and dragged her husband to their *darwaja* where the accused persons tied her husband, namely, Sanjeet Sada with an electric pole and brutally assaulted him and petitioner Manoj Ram assaulted him by jumping on his chest due to



which he received grievous injury and died on the way to hospital.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that during investigation, statement of father of the deceased, namely, Rameshwar Sada has been recorded under Section 161 which is available at paragraph no. 8 of the case diary wherein he has stated that all the four accused persons have assaulted his son and when he came he found that his son was tied to the electricity pole. Later on Manoj Ram (petitioner) was called on phone and his father was along with him on the way to hospital but he died on the way. Moreover, the independent witness Ram Kumari Devi, who is neighbour of the deceased, she has stated in her statement recorded under Section 161 mentioned at paragraph no. 9 in the case diary that all the four accused persons have assaulted his son and Manoj Ram was called by the father of Sanjeet Sada on mobile and later on body of the deceased was carried to the house of Sanjeet Sada. It is submitted that in paragraph no. 3 of the case diary, which is re-statement of informant, who also



stated that all the four accused persons have assaulted the deceased. It is submitted that there is no specific allegation of the aforesaid statement of the witness as well as re-statement of the informant. It is further submitted that another accused persons has been granted bail *vide* order dated 19.04.2024 passed in Criminal Miscellaneous No. 8383 of 2024 by this Court. It is vehemently submitted that the F.I.R. itself reveals that incident has taken place on 5:00 am in morning and when her husband became unconscious, the father-in-law of the informant and other villagers took her husband to the hospital but in the way to the hospital the husband of the informant died. It is also submitted that the inquest report which has come in paragraph no. 2 of the case diary in column 3 itself reveals that the body has been recovered at 10:55 am from in front of the house of the petitioner. It is further submitted that if the statement made in the F.I.R. and inquest report is considered, it seems completely contrary to each other. Lastly, it has been submitted that the petitioner is in custody since 27.07.2024, having two criminal cases against him and charge-sheet has been submitted in the case.



5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. 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 Addl. C.J.M.-I, Darbhanga in connection with Hayaghat P.S. Case No. 170 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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