

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67826 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- MUSRIGHRARI District- Samastipur

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Jathu Ram @ Jatahu Ram, (Male), aged about 40 years, Son of Visheshwar Ram, R/o Village- Harpur Ailoth, P.S.- Musarigharari, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party : Mrs. Nirmala Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 17-12-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Musrigharari P.S. Case No. 16 of 2024 dated 03.02.2024 registered for the offences punishable under Sections 328, 302, 307, 120B read with Section 34 of the I.P.C.

3. As per the prosecution case, on 01.02.2024, the son of the informant, namely, Ranjeet Rai, went with Sunil Kumar Rai @ Baua on the motorcycle but they did not return. Later on, they were found in unconscious position near Harpur Alouth (on the way of gate of Harpur D.A.V. School). The police came and



brought them to Sadar Hospital, Samastipur for their treatment where during the course of treatment, the doctor declared the informant's son Ranjeet Rai dead and Sunil Kumar Rai was referred to Patna after doing his first aid. The informant believed that his son Ranjeet Rai was killed by some unknown persons in conspiracy after administering poison to him and thrown by the side of the road in unconscious position. The motorcycle of Sunil Kumar Rai was standing by the side of the road and the mobile of his son Ranjeet Rai was found missing in which there were two sims bearing Nos. 8651012828 and 8709660714.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the F.I.R. has been lodged against unknown and the petitioner is not named in the F.I.R. The name of the petitioner has surfaced in the present case during the course of investigation on the basis of the confessional statement of the co-accused Raja Kumar from whose possession the mobile phone of the deceased Ranjeet Rai has been recovered. The said confessional statement of the co-accused Raja Kumar has got no evidentiary value in the eye of law. The co-accused Raja Kumar was using the mobile phone of the deceased Ranjeet Rai. It is further submitted that from



perusal of the order of the learned court below, it appears that in the F.S.L. report of the preserved viscera, the doctor has not found any metallic, Alkaloidal, Glycosidal, Pesticide or volatile poison has also not been detected. It is further submitted that the mobile phone which was recovered from the possession of the petitioner belongs to him and which has not been used in any illegal activity. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 17.06.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Samastipur in connection with Musarighrari P.S. Case No. 16 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are



liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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