

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74561 of 2023

Arising Out of PS. Case No.-31 Year-2018 Thana- ROSHANGANJ District- Gaya

RAMDAS PRAJAPAT @ RAMDAS PRAJAPATI SON OF LATE YOGI
PRAJAPAT RESIDENT OF VILLAGE - HUSSAINGANJ, P.S. - BANKE
BAZAR, DISTRICT - GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 02-02-2024 Heard Mr. Rakesh Singh, learned Counsel for the

petitioner and Mr. Tarun Prasad Mandal, learned APP for the

State.

2. The petitioner is in custody in connection with S.Tr.
No. 15/19/209/19 arising out of Raushanganj (Banke Bazar) P.S.
Case No. 31 of 2018 for the offence under Sections 302,
307,457, 323, 354, 147, 148, 149 of the Indian Penal Code
lodged on 07.03.2018 by the informant, Manju Devi.

3. Earlier the case of the petitioner was heard and
rejected thrice vide order dated 25.06.2018, 23.01.2019 and
12.04.2022 passed in Cr. Misc. no. 34059 of 2018, Cr. Misc. no.
79150 of 2018 and Cr. Misc. no. 58626 of 2021 respectively.

4. A fresh bail application has been preferred



whereafter a report was called for, which has since been received vide letter no. 15 dated 17.01.2024 sent by Additional Sessions Judge, Sherghat, Gaya according to which out of five charge sheet witnesses, one witness has been examined while rest four are yet to be examined.

5. As per the prosecution story, the informant has alleged that on 06.03.2018 at about 10.00 P.M, the petitioner along with FIR named accused variously armed with lathi, danda, knife and iron rod entered in her house and started assaulting her husband on account of which he sustained injuries and later died during the course of treatment. Accordingly, the FIR.

6. Learned counsel for the petitioner submits that the main accused namely, Pradeep Prajapat against whom there was specific allegation was granted bail in Cr. Misc. No. 40304 of 2018 on 25.10.2018 itself, he has already suffered by being in custody since 08.03.2018 (as stated in paragraph 3 of the supplementary affidavit), do not have criminal antecedent and will be diligently appearing in trial.

7. Learned APP opposes the prayer stating that he was one of the accused who caused death of the informant's husband.

8. Taking into account the submissions put forward by



the parties as also his period custody and the trial is not likely to be concluded in near future, taking into account the undertaking that he shall be diligently appearing in trial, this Court is inclined to extend him privilege of bail.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge, Sherghati, Gaya in connection with S.Tr. No. 15/19/209/19 arising out of Raushanganj (Banke Bazar) P.S. Case No. 31 of 2018 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

10. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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