

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81478 of 2023

Arising Out of PS. Case No.-263 Year-2022 Thana- BAJPATTI District- Sitamarhi

Kamlesh Ram, Son of Parikshan Ram, Resident of Village - Ratanpur,
Dadhikeshopur, Ward No.06, P.S. - Bajpatti, District – Sitamarhi.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 10-05-2024

1. Heard learned counsel appearing on

behalf of the petitioner and learned Additional Public

Prosecutor appearing on behalf of the State.

2. The accused/petitioner is named in F.I.R.

and apprehending his arrest in connection with Bajpatti

P.S. Case No. 263 of 2022, registered for the offences

punishable under Section 302/34 of the Indian Penal

Code.

3. The allegation against above named

petitioner is to commit murder of the son of informant

alongwith other named co-accused persons, where the

occurrence is alleged to be arises out of love affairs.



4. Learned counsel appearing on behalf of the petitioner submitted that from the narration of FIR itself, it appears that informant is not the eye-witness of the occurrence and merely on the basis of suspicion, as the deceased was in love affairs with the daughter of one of the co-accused, the present false implication was raised. It is submitted that the allegation against petitioner appearing very much general and omnibus without raising any specific overt act. It is submitted that the crime in question alleged to be taken place on 10.07.2022, whereas formal information to police was reported on 29.08.2022 only i.e. after more than 40 days. While concluding the argument, it is submitted that similarly situated co-accused, namely, Dinesh Ram has already been granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 39573 of 2023. It is submitted that petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.



6. Considering the aforesaid facts and circumstances and by taking note of fact, as there is delay of 40 days in lodging FIR, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM (Pupri), Sitamarhi/concerned Court, where the case is pending in connection with Bajpatti P.S. Case No. 263 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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