

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43125 of 2025

Arising Out of PS. Case No.-1980 Year-2006 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Ramdayal Das, S/o Late Dharichhan Das, R/O Village- Patkhauliya, P.S-
Motihari Muffasil, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Banarsi Prasad, S/o Late Aklu Sah, R/O Village- Patkhauliya, P.S- Motihari
Muffasil, Distt.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.
For the Opposite Party/s : Mr. Binod Kumar No.3, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 25-07-2025
1. Heard Mr. Anil Kumar, learned counsel for the
petitioner and Mr. Binod Kumar No.3, learned APP for the
State.

2. The petitioner seeks regular bail in connection with
Tr. Case No. 941 of 2024 arising of Complaint Case No. C-1980
of 2006 registered for the offence punishable under Section 302
of the Indian Penal Code.

3. The main submissions advanced by the petitioner's
counsel are that the instant matter is based on a complaint
lodged by O.P. No.2 against this petitioner and others in



connection with the murder of complainant's son namely, Raja Prasad, the petitioner has been made an accused by the complainant mainly on the allegation that he conspired with the co-accused Shankar Das, who was placed in the same lock-up in the concerned police station in connection with Muffasil P.S. Case No. 181 of 2006, where Raja Prasad and Nandu Prasad were kept and during their custody, the complainant's son, Raja Prasad, was murdered by the one co-accused Shankar Das for which the co-accused Shanakr Das faced trial and consequently he has been convicted in connection with Motihari Town P.S. Case No. 236 of 2006 and in the said case the petitioner was not an accused. It is further submitted that as the convict Shankar Das is the own brother of this petitioner owing to which the petitioner was suspected by the complainant to be involved in the murder of his son Raja Prasad, except this suspicion, there is no material to show the petitioner's involvement in the alleged murder. It is lastly submitted that the petitioner has been languishing in jail since 24.03.2025 and two co-accused persons Lakshman Das and Dinesh Rai who are also accused in the complaint, have already been granted regular and anticipatory bail vide orders dated 26.08.2013 passed in Cr. Misc. No. 27928 of 2013 and order dated 13.03.2014 passed in



Cr. Misc. No. 26862 of 2013, respectively. Though, the cognizance order in connection with the alleged offences against the petitioner was passed in 2012 but due to misunderstanding the petitioner did not surrender before the trial court as he was informed that he had been granted bail.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the aforesaid submissions advanced by the petitioner's counsel and mainly petitioner's fair and clean antecedent and his custody period, this court is inclined to release him on bail. Accordingly, let the petitioner named-above, be enlarged on bail in connection with Tr. Case No. 941 of 2024 arising of Complaint Case No. C-1980 of 2006 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned with following conditions:-

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

(2) 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.

(3) One of the bailors shall be a close relative of the



petitioner who has sworn affidavit in this miscellaneous
petition.

(Shailendra Singh, J)

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