

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80370 of 2024

Arising Out of PS. Case No.-16 Year-2015 Thana- PATAHI District- East Champaran

Kameshwar Ram S/O Late Ramchandra Ram Resident of Village-
Patkhauliya Bakhari, P.S- Patahi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 21-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Patahi
P.S. Case No. 16 of 2015 dated 07.02.2015, instituted for the
offence punishable under Sections 384, 506, 120B & 34 of the
Indian Penal Code and Section 17 of Criminal Law Amendment
Act.

3. The prosecution case, in short, as per the written
report of the informant, is that, her husband was murdered by
Maowadi on 26.01.2011 and since then she is living with her
children in fear. It is further alleged that threatening posters
were pasted on the wall near the house of informant that the
persons who are selling or purchasing the land of informant will
face dire consequences.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the F.I.R. has been lodged against unknown persons. The petitioner has been made accused in this case only on the basis of confessional statement of co-accused Lakhindra Paswan. It is next submitted that co-accused Lakhindra Paswan has been granted bail *vide* order dated 19.01.2016 passed by a Co-ordinate Bench of this court in Criminal Miscellaneous No. 53953 of 2015. It is also submitted that no incriminating article has been recovered from the possession of the petitioner or from the house of the petitioner. No Test Identification Parade has been held till date. Further submission is that similarly situated co-accused Manjay Puri @ Ramanjay Puri has been granted bail by this Court *vide* order dated 12-02-2025 passed in Cr. Misc. No. 4060 of 2025. Lastly, it has been submitted that the petitioner is in custody since 12-04-2024 having one criminal case bearing Patahi PS Case No. 191 of 2017 pending against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed 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 Judicial Magistrate, Motihari, East Champaran in Patahi P.S. Case No. 16 of 2015, subject to the following conditions:- (i) that the 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, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that 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 (iv) that 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.

7. As a further condition of this order, at the time of accepting the bail bonds, the court below shall verify the fact that only one criminal case bearing Patahi PS Case No. 191 of



2017 is pending against the petitioner. If the statement of the petitioner is found true, then the bail bond of the petitioner shall be accepted. Otherwise, the bail bond of the petitioner shall not be accepted.

8. The application stands allowed.

(Khatim Reza, J)

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