

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84851 of 2024

Arising Out of PS. Case No.-267 Year-2023 Thana- PANCHRUKHI District- Siwan

Moti Chand Ram S/O Late Kalam Nath Ram Resident of village-Mandrauli,
P.S- M.H Nagar, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Kumari Anupam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 16-05-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Pachrukhi (M.H. Nagar) P.S. Case No. 267 of 2023 for the offence punishable under Sections 341, 323, 302, 504, 506/34 of the Indian Penal Code lodged on 07.10.2023 by the informant, Meena Devi.

3. As per the prosecution story, the informant(wife of the deceased) alleged that her brother-in-law (devar) on a small issue of keeping of bricks gave a bamboo blow on the head of her husband, he fell down, the blood came out of the mouth and subsequently succumbed to the injury. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he has remained in custody since 08.10.2023, it was sudden provocation which led to the assault, had no intention to kill



anyone much less the deceased, he is ready to face the trial, two grown up daughters are to be married and his long jail custody is preventing him from moving in that direction.

5. Learned APP opposes the prayer stating that the allegation of assault is on this petitioner which proved fatal.

6. Though the allegation is there, the fact remains that he is in custody since 08.10.2023 and as per the trial court's report dated 25.04.2025, it is pending for evidence and summons have been issued, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Siwan, in connection with Pachrukhi (M.H. Nagar) P.S. Case No. 267 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 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.

(Rajiv Roy, J)

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