

Arising Out of PS.Case No. -137 Year- 2012 Thana -DHAKA District- EAST CHAMPARAN
(MOTIHARI)

.... Petitioner/s

The State of Bihar

.... Opposite Party/s

For the Petitioner/s

For the State

: Mr. Pranav Kumar, A.P.P.

For the Informant

: Mr. Madhurendra Kumar, Adv.

ORAL ORDER

Heard Mr. Dinu Kumar, learned counsel for the
 learned A.P.P. for the State and learned counsel for
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The petitioner seeks bail in Dhaka P.S. Case No. 137 of 2012 dated 04.07.2012 instituted under Sections 302/328/467/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that though as per the allegation in the F.I.R., the petitioner along with two persons had taken the deceased with him on a motorcycle and also got his thumb impression on blank paper and later on are said to have administered poison leading to his death but the same are false and fabricated. Learned counsel submits that the petitioner had given huge sum of



money to the deceased for transfer of land but the same was not being done and that is why to implicate him, he has been falsely implicated so that he does not insist for the return of his money. Learned counsel further submits that Maheshwar Singh, relative of the deceased has stated that the deceased had taken money for sale of land belonging to Maheshwar Singh and insisting that he transfer his land but because the same was not being done, the deceased being under pressure had himself committed suicide. Learned counsel further submits that even if the whole episode is viewed from the angle of the prosecution, as per the allegation in the fardbeyan itself that the petitioner along with others had obtained the thumb impression of the deceased, then in that case, it was all the more important that the deceased was kept alive so that the documents to be manufactured under the thumb impression could have the force of law and thus the petitioner having no role in the entire episode has been clearly implicated so that Rs. 10,000,00/- given to the deceased may not be insisted to be returned by the petitioner. Learned counsel submits that the petitioner having no criminal antecedent is in custody since 15.04.2014. Learned counsel has also drawn the attention of the Court to the fact that two co-accused who are said to have helped the petitioner in obtaining the thumb impression on plain paper, Nand Lal Rai and Noor Mohammad @ Noora have been granted bail by a co-ordinate Bench of this Court on 25.09.2014 in Cr. Misc. No.

25705 of 2014 and 29688 of 2014 respectively.

Learned A.P.P. and learned counsel for the informant oppose the prayer for bail. They submit that witnesses have supported the prosecution story and in fact the wife has stated that the deceased himself had also disclosed the name of the accused.

Learned counsel for the petitioner, by way of reply submits that in the statement of the wife, it is said that the deceased came to the house in an unconscious state and thus there could not have been any occasion for him to state anything before anybody.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sikrahna, East Champaran in Dhaka P.S. Case No. 137 of 2012. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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