

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17063 of 2015

Arising Out of PS.Case No. -403 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Janki Devi, W/o- Ruplal Sahani.
 2. Ranjit Kumar, S/o- Ruplal Sahani.
- Both R/o Village- Chailaha Tal, P.S.- Banjaria, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chamali Devi, W/o- Bhanu Sahani, R/o Village- Chailaha Kothi, P.S.- Banjaria, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 09-07-2015

It appears that the petitioner no.1, Janki Devi, has already been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 28.05.2015 passed in this case. As such, only the prayer of the petitioner no.2, Ranjit Kumar, for grant of anticipatory is being considered after receipt of the case diary.

Heard learned counsel for the petitioner no.2 and the learned A.P.P. for the State.

The petitioner no.2 apprehends his arrest in connection with Turkaulia (Banjaria) P.S. Case No.403 of 2014 registered

under Sections 323, 324, 406 and 302/34 of the Indian Penal Code.

The accusation is that the deceased Bhanu Sahani, the husband of the complainant/informant, Chameli Devi (opposite party no.2), had given Rs.7,30,000/- to Ruplal Sahani, the father of the petitioner no.2, to purchase the land for him. While Rs.30,000/- was taken by the deceased but Rs.7,00,000/- remained pending with the father of the petitioner no.2. On 19.05.2014 at about 7.00 A.M. in the morning, the deceased had gone to the house of the accused persons to take money and on the same day at about 9.00 P.M., the co-accused, Mukesh Kumar, the brother of the petitioner no.2, and the petitioner no.2 carried the deceased, the husband of the opposite party no.2, on a motorcycle and dropped him to his house and told her that the snake has bitten him. Thereafter, the opposite party no.2 tried to save her husband but he died and his cremation was done in the presence of Chowkidar. Later on, the opposite party no.2 came to know that all the accused persons caused injury to her husband with an intention to grab the money.

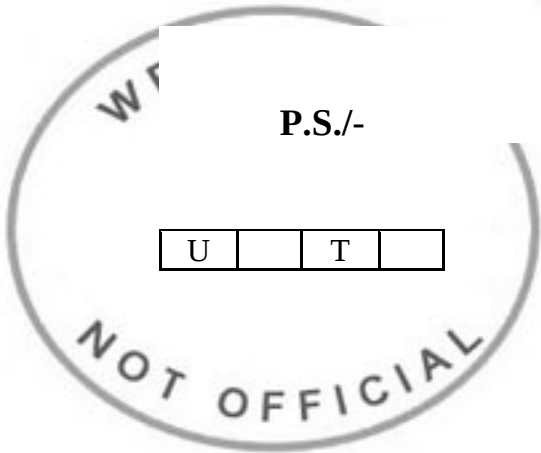
Learned counsel appearing on behalf of the petitioner no.2 submits that the petitioner no.2 is the brother of the co-accused, Mukesh Kumar and there is only allegation against him

that the petitioner no.2 and Mukesh Kumar had carried the deceased on a motorcycle and dropped him to the house and told the opposite party no.2 that snake has bitten him. It is further submitted that after the death of the deceased, the cremation of the deceased was done in presence of the Chowkidar but later on, only to give undue pressure, after 12 days of the occurrence, the present case has been filed by the opposite party no.2 with false allegation.

On the other hand, while the learned A.P.P. for the State opposed the prayer of the petitioner no.2 for grant of anticipatory bail but conceded that in the case diary, which is only up to paragraph-19, it has only come that the deceased had given Rs.7,30,000/- to the father of the petitioner no.2 for purchasing the land for him and due to that reason the alleged occurrence took place and all the accused persons including the petitioner no.2 caused injury to the deceased, who later on died.

Having considered the facts and the circumstances of the case, let the petitioner no.2, above named, in the event of his arrest or surrender by him within six weeks, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari, District-East Champaran, in connection with Turkaulia (Banjaria) P.S. Case No.403 of 2014,

subject to the conditions laid down under Section 438(2) Cr.P.C.



(Rajendra Kumar Mishra, J)