

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44819 of 2016**

Arising Out of PS.Case No. -39 Year- 2016 Thana -ANGARGHAT District- SAMASTIPUR

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1. Suresh Roy son of Sri Poona Roy, Resident of Village- Kalyanpur Dakchhine, Dahu Chauk Labhtoliya, Police Station- Bibhutipur, District- Samastipur.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jay Prakash Sharma

For the Opposite Party/s Mr. Binod Kumar 3

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**  
**ORAL ORDER**

04/ 09.12.2016 Supplementary affidavit is filed on behalf of the petitioner.

Let it be kept on record.

Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State assisted by learned counsel for the informant.

At the very outset, it is pointed out on behalf of the petitioner that in para 3 of the petition, it has been pleaded that the petitioner does not have any criminal antecedent but, as a matter of fact, prior to institution of the present case, four cases had been lodged against the petitioner but all the aforesaid four cases were lodged by one Jiwach Rai as well as his wife. It is further submitted that moreover, after institution of the above stated four cases, party to the said cases entered into compromise and pairvikar of the petitioner being illiterate person could not disclose the pendency of the aforesaid cases at the time of filing of this petition. Learned counsel for the



petitioner further submits that so far as present case is concerned, except suspicion, there is nothing against him.

Learned counsel appearing for the informant opposes the prayer submitting that mother-in-law of the deceased had transferred some land in favour of the deceased and the petitioner happens to be nephew of mother-in-law of the deceased. It is further submitted that the petitioner was annoyed due to the aforesaid transfer of land and that was the reason, he got eliminated the deceased so that mother-in-law of the deceased could not transfer more land in his favour.

It is further submitted on behalf of the informant that prior to the alleged occurrence deceased was taken away on the pretext to attend a Panchyati and later on, his dead body was found hanging in an orchard.

Admittedly, none has seen the actual killing of the deceased; and the informant suspected the role of the petitioner in the present crime on the basis of the aforesaid circumstances. Moreover, investigation against the petitioner has already been completed and except the aforesaid circumstances, I.O could not succeed to collect any other circumstance.

Accordingly, petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Sri S.K.Choudhary, Judicial Magistrate, Ist Class, Dalsingsarai District Samastipur/ concerned court in Angarghat P.S. Case no. 39/2016.

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(Hemant Kumar Srivastava,J)

