

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 10042 of 2017

Arising Out of PS.Case No. -223 Year- 2016 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

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Rakesh Kumar @ Sugga, Son of Suresh Yadav, Resident of Village -
Mushepur, P.S. - Rahui (Bhagan Bigha), District - Nalanda

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anuj Kumar, Advocate

For the Opposite Party : Mr. Shailendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 11-04-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 302/120B of
the Indian Penal Code.

Allegation against the petitioner and others is that
they committed murder of the mother of the informant by
throttling her. The informant claims to be an eyewitness of the
occurrence and reason for the occurrence is that the petitioner had
greedy eye on the property of the deceased.

Submission of the petitioner is that husband of the
deceased had already executed registered sale deed on 28.02.2014,
whereby he sold away the entire property in favour of the father of
the petitioner. Thereafter, the informant is in civil litigation with



the petitioner and for that reason just to pressurize, false allegation has been levelled. In fact, informant is not an eyewitness of the occurrence.

Further submission is that the case diary would reveal that witnesses have stated that the deceased fell near the water hand pump and sustained injury as a result whereof she died. No other eye-witness has supported the allegation.

On the other hand, learned counsel for the informant opposed the prayer on the ground that the informant is the eye-witness of the occurrence and she has specifically supported the allegation.

Considering the fact that motive of the occurrence is not acceptable as the petitioner and other accused were not going to take the property of the deceased only after death of the deceased. Moreover, the informant had some grudge for false implication because she is the daughter of the person, who had sold away the property in favour of the father of the petitioner. Civil litigation is also going on between the parties.

Considering the aforesaid facts, let the petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Nalanda at Biharsharif/successor Court in connection with Rahui (Bhagan Bigha) Police Station Case No. 223 of 2016, subject to the condition that the petitioners shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

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